RECORDS IN THE BRITISH PUBLIC RECORDS OFFICE RELATING TO SOUTH CAROLINA

VOL. 10

1723

MICROFILMED
BY
WM. L. McDOWELL

B P R O South Carolina B 2 vol 1

A 65

[Jan.y 1723]

To the Right Honorable the Lords Commrs for Trade and plantations

The humble Memorial of Richard Shelton Esq in behalf of Samll Eveleigh & Eleazer Allen Merchants of Charles Town in South Carolina and several others the Inhabitants of Charles Town aforesaid

Sheweth

That an Act was passed on the 23rd of June last in the Province of South Carolina Entituled. An Act for the better Government of Charles Town without the privity or Consent of the Inhabitants of the said Town. And that as soon as they had notice of the said Act the Major part of the Inhabitants of petitioned the Governor Council and Assembly against the said Act but their petition was rejected

That by the said Act very great grievances and Burthens are laid upon the Inhabitants of the said Town which will in a short time force several of them to remove themselves and their Effects from thence whereby the Town will in a great measure be deserted

That besides the severities and hardships laid upon the Inhabitants there are several other matters and things containd in the said act contrary to the Common Law Usuage & Costom of Great Britain

Your Memorialist therefore prays Your Lordps will be be pleased to hear by his Council what he may have to offer against the said Law before your Lordps shall make your Report to His Majesty thereupon

Recd 15 Jan
Read 16 do
1723

1723

B P R O. South Carolina B T. vol 1.

A. 86

[Feb. 1723]

To the Right Honble the Lords Commrs for Trade and Plantations

A View of the Trade of South Carolina with proposals humbly offered for improving the same.

The produce of South Carolina has hitherto been Beef. Pork. pitch. Tarr Turpentine Rice Cedar Deer skins and some Silk They formerly made Indigo and Cotton but the Winter is too severe for these two last Commoditys altho south Carolina may properly be called from 30° North Latitude to 31° 15' I shall take leave to speak to all these several productions except the two last and in its due place shew the Reasonableness of Encouraging that Province in the making them and particularly pitch Tarr Turpentine Rice and Silk

The trade for Beef and pork which was to Barbados and the several Leeward Caribbe Islands ye Bahamas Jamaica &c has been very much interupted by the late Indian Warr which not only destroyed the Stocks of Cattle but drove most of the Inhabitants to the southward where the greatest stocks of Cattle were. from their plantations who yet dare not return for fear of the Yamazee Indians who frequently disturb the settlements near port Royall murder the planters and carry the slaves to St Augustine where the Spaniards Encourage these depredations and purchase the slaves from them to prevent which His Excellency Francis Nicholson Esq the present Govr has caused a Fort to be built on ye River Alatamaha in the latitude of 30° 12

and

and within ninety miles of the aforesaid Garrison of St Augustine as well to be a cheque to the said Indians and strengthen the Southern Frontiers as to secure so much of the Lords Proprietors Charter and to keep the Spaniards so much further off who otherwise might have settled there and have been worse neighbours then now they are at St Augustine I say ye Indian Warr having drove ye planters from their settlements and destroyed their Stocks it must be some years before they can have any Quantitys of Beef and pork to supply the Islands as formerly & for which their Returns were Sugar Rum Molosses &ca so that now those Comoditys are purchased with Rice pitch and Tarr thus (for some years at least) those unfortunate people have lost that branch of their Trade

Pitch and Tarr without which the Navigation of Great Britain cannot be carryed on was all formerly brought from the North Seas and purchased chiefly with money from ye Sweed & Muscovie &ca and was sold Pitch for 20s the Cwt Tarr 30s the Barl upon which the Wisdom of the Nation thought fitt to Encourage the making these Comoditys & Turpentine in the American plantations & therefore gave a Bounty of 4s ℔ Cwt on pitch 10s ℔ barrell on Tarr & 3s ℔ Cwt on Turpentine the good Effects of which was soon perceived for the plantations immediately found the way (especially Carolina) of making those useful Stores insomuch that some years 60 or 70,000 Barrells of Tarr & pitch and Great Quantitys of Turpentine has been Imported from that province more then from all America besides wch brought down the price of Stocholm Tarr in London from 30s to 11s & 12s ℔ barrell and pitch in proportion This it must be concluded very much lessened the Ballance of Trade then very greatly in favour of the Sweed & Muscovie and the Bounty given by the Nation

circulated

circulated among His Majtys Subjects and employed our own Navigation it being before brought home in Swedish ships But complaint being made the last Sessions of the late Parliament that the Pitch & Tarr of the Plantations did not come up in goodness to that of Sweden and Norway that of the Plantations being made of Dead Trees & retaining a heating quality but the Northern being made of Green Trees & therefore cooler the Parliament was pleased to Enact That any Tarr imported from the plantations after the 29th Sept.r 1724 which was not made after the manner of y.e Swedish Tarr from standing Trees and affidavit thereof made and Returned in the Form therein described should not be entitled to any Bounty by which Act after the time limited as aforesaid Carolina is also cut off from that Branch of her Trade for I can aver from my own knowledge & from the Informations I have had from many People in Carolina that no one knows the Pitch or Lightwood-pine as it is growing and consequently there may be Twenty Trees prepared & felled as is prescribed by the Method it is said to be made in Sweden & not above two of them fit to put into the Kiln which will not only destroy great quantitys of the Timber but also cause so much more labour that it will not be worth while to make it. the Bounty upon Pitch and Tarr being more than it has sold for. for some years past and the same Quantity of Wood prepared from the Green Tree (as has been experienced in Carolina) not producing one Third part of the Tarr as the old Wood. if therefore a Planters employs his Negros in the Winter as usual to make Tarr & instead of 600 Barr.ls of w.ch the net produce might bring him including the Bounty £150 with four times y.e Labor he can

make

make but 200 Barrls which will produce him but £37.10 it is Demonstralle. it cannot be worth his while so to employ his Slaves. but he must leave off the making it entirely. and try to employ them some more Advantageous way at least so that he may be able to buy them their Winter cloathing by their Labour which this way he cannot do

I come now to speak of Rice which before the being made one of the Enumerated Comodities in the 3rd & 4th of Queen Ann was Transported directly to Spain Portugall & the Dutch Swedes and French settlements in the West Indies but being by the aforesaid Act Obliged all to be brought to Great Brittain the Spaniards and Portugeuse who consume very great quantitys especially during the Lent season are almost wholly supplyed by the Italians with Rice much Inferior to that of Carolina which is esteem'd the best in the World by those Nations insomuch that we lose the sale of more Rice to the portuguese only than yett is made in the whole province wch will be demonstraded in its proper place is more than 100,000 Moidas of Gold a year loss to the Nation and Carolina under this unhappy Dilemma (for want of a Markett for this one only produce that is left her) either not to Encrease their production of it or be undone by that very Increase which may be easily Demonstrated from the difference of the Exportation and Sale of this Grain in the years 1719 and 1721 which must convince your Lordship they now make more than sufficient for the Marketts the supply

Anno 1719 Exported from Carolina Rice 13623 Barrels at 400 lb net ea is 48603 cwt 2 qrs 18 lb of which 7/8 came to Great Brittain and sold at 21s ₰ cwt so that 42527 cwt 2 qrs 21 lb @ 21s ₰ cwt is £44634.6.6 deduct freight & other charges 11s ₰ cwt £23390.5.10½ net

Net produce £21263. 19. 7

Anno 1721 Exported from Carolina Rice 21879 Barrels @ 400^{lb} nett ea is 7/8139^{cwt} 1^{qr} 4^{lb} of which 7/8 came to Great Brittain and sold at 16^{s} ₱ cwt so that 68371^{cwt} 3^{q} 14^{lb} @ 16^{s} per cwt is £54697. 10

Deduct Freight dutys and other charges 11^{s} cwt 37604. 10 6½

Net produce £17092. 19. 5

4571. 0. 2

Thus Your Lordship may see by the people of Carolina making and exporting in 1721 8256 Barr^{ls} of Rice more then they did in 1719 they have lost the whole Increase and £4571. 0. 2 Sterling the reason of which must be that they make more than outficient for the Northern Markett and they can supply no other nor have any Vend for their Rice but in Great Brittain and must therefore (unless they are relieved by the parliament) confine themselves to a certain quantity or be undone by their own Industry w^{ch} were no other people ever were before

Since then it is Demonstrated they must not exceed Ten or Twelve thousand Barrells of Rice as the Trade is now limited (and if they made less I believe they would get more money) That their Yarn trade will be over after 1724 Their provision Trade (which never was very Beneficial. the Beef being but ordinary after being any time salted) ruined for some years by the Indians There remains now nothing but Silk which I believe may be brought to very great perfection there if proper persons that understand it were sent over and proper Encouragem^{t} given the people to go on it But even then that must be some Years hence for the Trees must have time

time to grow that are not yett planted neither is it easy to persuade a number of people to begin a new thing and to leave off their old way which they understand and have thrived in besides should they go intirely on Silk and leave off their Rice and Darr the Navigation would suffer by it. for one ship in a year will bring away to a very great value in silk whereas now for these last three years they have Loaded upwards of 150 sail of Ships and Vessells at that one port of Charles Town

I shall therefore now proceed humbly to offer your Lordship Reasons why it is the Interest of Great Britain to Encourage that Province in ye making a greater Quantity having a free Markett for their Rice and to go on in making their Pitch Darr &c in the usual manner

There is no other country in His Majeshys Dominions produce this Grain but So Carolina therefore it does not interfere with the Manufactures of Great Brittain but is the same advantage as Fish from Newfoundland. every hundred weight sold to a Foreign Markett is as much money as the Net produce of it added to the Riches of Great Brittain therefore if the Colony can make Ten thousand Tonn instead of Ten thousand Barrells and have Foreign Marketts for it it will encrease the balance of Trade in favor of this Nation beside the Employing Ten Thousand Tonn of Shipg instead of Two Thousand The Colony will encrease in people which it has very great need of there not being now a sufficient number to defend themselves against their own Slaves much less a Spanish or French Enemy if ever those Nations should be so. on whom they Border who are always inciting the Indians to Molest them. his Majeshys Revenue will

will be increased since the half subsidy may be paid in Carolina for such as goes to Spain or Portugall to His Majty's Collector at that Port where it is shipt off or Bills drawn for the payment of it in London a sufficient quantity will still come to great Brittain for the home consumption and for furnishing Holland and Germany as usual which may still be under the same Rules and Restrictions as now Portugall alone will take off twice the Quantity now made in the whole collony they consuming Yearly seven or eight thousand Tonn which at 35 rals a Quintall is 116666 Moedas of Gold. but we have not since the Enumeration sold three Hundred Tonn a year which is but 4374 3/4 Moedas it is evident therefore that the loss to England is 112291 1/4 Moedas or £151593. 14 a year and this caused not by the Expence only that attends a double Freight Insurance &c. by chiefly by the loss of time for by its coming to Great Brittain first it cannot be got to Portugall before Lent and that the hot weather comes in there and fills it full of Weevels

If therefore the Wisdom of the Nation should think fit to take this Grain from among the Enumerated Comodities I mean so farr that it may be transported directly to Spain Portugall and the West Indies that Province will surely likely be longer to be dependant on Great Britain then if by ruining their present produce they are forced to make their own Cloathing for want of Effects sufficient to purchase them from hence besides that the Transporting Rice to Spain and Portugall may be confined to British Bottoms or ships wholly owned in Great Brittain only & they enter into Bond to touch at Great Brittain before their Return to the plantations This will bring all the Returns home. will sufficiently restrain them from

Building

Building ships there and induce them to send their Timber home some sorts of which particularly the live oak and pine are very good and proper for compas Timbers and Masts for the biggest ships

As to pitch and Tarr I believe I may venture to say that, that of Sweden will in a few years be at its former price and therefore much need not be urged to Induce the Parliament to continue the Bounty on it which ceases intirely in 1725

The people of Carolina are (some of them) trying to make it of the Green Wood But as those objections to the making it before mentioned are matter of fact I do not expect to see that project come to perfection if it be asked why they cant make it as well as the Swedes. it is answered they may make it as well but they cant make it a Quarter so cheap. because their Labour is four times as dear. their Navigation four times as long and therefore the Freight much dearer which is a great deal in the value of it. most of the Tarr brought home the last year not having cleared (with the Bounty of 10^{s} a Barrell) above 3/6^{d} and 4^{s}/ a Barr^{ll} and as for y^{e} Bounty there can be no occasion to say here. that Ten or Fifteen Thousand pounds a year bestowed among His Maj^{ties} subjects is a much less Evil (if any) then three times that sum Yearly given to the Swede and Muscovite for what we can make for most uses as well at home or which is much better in our Plantations and employ our own shipping to fetch home

And now (tho it does not relate particularly to Carolina) I cant forbear mentioning a thing of the highest prejudice to the Trade of Great Brittain. which has for some years been carrying on with great success

and

and consequently will increase I mean the fitting out Vessells in Holland with Cargoes &c for Guiney and the plantations many of which (If I am not misinformed) are also owned in Holland. either by English men residing there or by the Hollanders themselves the ill consequences of which among others are

That by so doing the British Merchants and especially those of London are greatly discouraged by our own Manufactorys in their own hands becoming dead stock for want of Vend and Freight (wch is the most certain profit to any nation) setors wholly in the Foreigners and Foreign Countrys and the numerous Artificers and Tradesmen whose Livelyhood depends on fitting out and victualling ships lose their Imploy and become Impoverished. for altho those Vessells from Foreign ports that proceed directly for our plantations are obliged and usually touch at some port in the West to Clear Outwards and Inwards yet the advantages in Trade are reaped by Foreigners The ships in this Trade are victualled and fitted in Holland &ca and the British Sailors employed in the navigation receive great part and spend their Wages abroad whilest their Familys become chargeable to the parishes at home besides the frequent opportunity Foreigners have by this practice to run contraband Goods. especially Spices. Liquors & all sorts of East India Goods into the British plantations

Therefore to conclude It is humbly proposed that the Parliament will be pleased to pass an Act to oblige all Vessells bound from Great Brittain to any of the plantations in America to fit out. man victual and take on board their Cargoe in some port of Great Brittain and that all ships bound from the American plantations to any port of Europe shall also enter into Bond to touch in Great Brittain and clear out before their return to America

Excepl

(Except such as may Load salt and return to the American Fishery) to continue the Bounty on pitch Tarr and Turpentine for such a Term of Years longer as may be thought fit and to take Rice from the Enumerated Comodities in such a manner as it may be freely Transported to Spain Portugall the West Indies on such Terms as is before proposed or as may by them be thought most fitt

Fras: Yonge

Rec.d Feb 5th
Read July 10th } 1723

B P R O. South Carolina B T. vol 1.

A 89

9 Feb. 1723

To Alured popple Esq.

Sir

I herewith Inclose you several papers from Carolina transmitted to me by His Excellency Governor Nicholson for the perusal of the Right Hon^ble the Lords Comm^rs for Trade and plantations which I beg the favor of your laying them before them in a proper conjuncture I am

Sr

Your obedi^t Humble Servant

Fras: Yonge.

Rec^d 11 Feb^y
Read 10 July } 1723

B P R O South Carolina B T vol 1
A 90 (Inclosure) Rec^d 11 Feb 1723

Capt^n Francis Goddard maketh oath that when Capt Joseph Palmer arrived here in the schooner Mary from North Carolina Adam Stuart being in a Boat belonging to Colonel William Rhett with the said Palmer forced the Deponent to goe to Coll^o Rhetts point contrary to the Quarrantine Act As the Deponent on Oath hath formerly declared and the said Deponent now saith That when he came to Coll^o Rhetts point he met his Wife M^rs Sarah Rhett who desired him to say nothing to the Governor of what had happened The Deponent told her he was obliged by his Oath to doe it and then the said M^rs Rhett in a familiar manner told him he might easily dispence with his oath and that her Husband would be soon Governor and that he should have any post under him

F. Goddard

Sworn to in Open Court the 26^th day of October Anno Dom 1722

John Wallis

A true copy attested
J^o John Wallis
Rec^d 11 Feb 1723

B. P. R. O. South Carolina B T Vol 1

A. 91 (Incloxure) Rec[d] 11 Dec 1723

South Carolina

At a Court of General Sessions Assize and general Goal Delivery held at Charles City and port on Wednesday the 17[th] day of October Anno dom 1722

Criminals	Crimes	Pleas	Verdicts	Judgments & Fines in proclamation money	Current Money
Matthew Quash	Assault	Not Guilty	Guilty	£2 . 10.	£10
Adam Stuart	Assault	Not Guilty	Guilty	£2 . 10	£10
John Ellis	Assault	Not Guilty	Guilty	£2 . 10	£10
Edmund porter	Assault	Not Guilty	Guilty	£0 . 10	£2
Matthew Quash on the 2[d] Indictment	Assault	Not Guilty	Guilty	£2 . 10	£10
Richard Perry	Felony	Not Guilty	Not Guilty	- - - - -	- - - - -
Richard Perry	Misdemea[r] Committed in Court on his Tryal	Submitted and Crav'd the Clemency of the Court	- - - - -	£6 . 5	£25
Robert Quash	Assault	Guilty	- - - -	£1 . 5	£5
William Rhett	Scandalous words ag[t] his Excellency the Governor	Not Guilty	Guilty	£100	£400
Will Croft	Misdem[r]	Not Guilty	Guilty	£12 . 10	£50
Timothy Bellamy	Assault	Not Guilty	Guilty	£2 . 10	£10
Henry Nelson	Nuisance	Guilty	- - - -	£0 . 5	£1
Thomas Nillen	Untic[d] Tavern	Guilty	- - - -	one thous[d] weights of Rice	

A true Copy of the above Sessions Calendar P John Mallis Clk

B.P.R.O. South Carolina B 2 vol 1

A92 (Inclosure) Rec^d 11 Feb 1723

At a Court of General Sessions Assize and General Goal Delivery held at Charles City and port on Wednesday the 17th day of October Anno dom 1722

Present

The Honble { Charles Hill Esq Chief Justice; John Fenwick, Alexander Parris, George Smith, Joseph Wragg } Esq^rs Assistant Judges

The Commissions of the Chief Justice Assistan Judges and Justices of the peace were openly read

Then the Grand Jury were sworn and the Chief Justice gave his charge to them

Then the Court gave out a Bill of Indictment against William Rhett Esq to the Grand Jury

The Court adjourned till four of the Clock

And Met according to Adjournment

The Grand Jury returned the Bill of Indictment against William Rhett Esq^r in these words following (to wit) The Jurors for the Lord the King upon their Oath Doe present that William Rhett of Berkley County in the province of South Carolina Esq^r Falsely Maliciously Seditiously & scandalously Contriving and Intending amongst the Liege subjects of our said Lord the King that now is Inhabitants of the province of South Carolina to bring into hatred contempt & disgrace Francis Nicholson Esq By Letters Patents under the

the Great Seal of Great Britain bearing date the Six and Twentieth day of September In the seventh year of the reign of Our Lord the King that now is constituted and appointed our said Lord the Kings Captain General and Gov^r in Chief In and over our said Lord the Kings province of South Carolina on the Tenth day of May in the Eighth Year of the Reign of our said Lord the King at Charles Town now called Charles City and Port in Berkley County in the province of South Carolina aforesaid having discourse with the said Francis Nicholson of and concerning Two Hogsheads of Tobacco which the said Francis Nicholson then and there charged and accused the said William Rhett that he had run And had defrauded our said Lord the King of his duty's (the Duty and Custom due to our said Lord the King for the said two Hogsheads of Tobacco meaning) The said William Rhett then and there falsely maliciously seditiously and scandalously said and with a loud Voice published these Words following (to writt you the said Francis Nicholson meaning) have set me an example for you (the said Francis Nicholson meaning) have done the same thing. meaning that the said Francis Nicholson had run Two Hogsheads of Tobacco and had defrauded our said Lord the King of the Duty and Customs due to our said Lord the King for the same Two Hogsheads of Tobacco to the Evil and pernicious Example of all others in the like case offending and against the peace of our said Lord the King that now is his Crown and Dignity

Billa Vera. Anthony Matheues foreman

The Court adjourned till Thursday morning

Thursday the 18th October The Court met according to adjournment

M^r Hume

Mr. Hume Attorney for the Defendant moved that the following plea might be received.

And the aforesaid William Rhett by Robert Hume his attorney comes and defends the force & Injury &c And saith he is not Guilty of the premises in manner & form as it is above alleged against him And for this he puts himself upon the country Mr. Hume made the following Mocon in writing. I move Yor. Hon.rs on the behalf of Mr. William Rhett to traverse this Indictment and that the Tryal may be put of till next Sessions on his entering into Recognizances according to the usual practice of the Law in that case. Hume p. def.t

This Mocon overruled Ord.d that this cause comes to Tryal peremptorily to morrow morning.

The Court Adjourned till the next day Eight of the Clock in the forenoon

Friday the 19th. October 1722. The Court met according to adjournment

The Petty Jury were sworn and the Court proceed on the Tryal of William Rhett Esq.r. The Jury withdrew to consider of their Verdict and found that William Rhett Esq.r was Guilty of the above Indictment. John Sanders. Foreman

The Court adjourned till Saturday morning

Saturday the 20th. Oct.r 1722

Ord.d If any Mocon be made in Arrest of Judgement that the party moving or intending to move in Arrest of Judgement do file his reasons why Judgment should be arrested before 12 of the Clock on Wednesday next in writing.

October the 24th. 1722

Reasons in arrest of Judgement filed pursuant to the aforesaid Order which

which are as followeth:-

The King } Indictment for a Misdemeanor in slandering of His Excellency
Wm. Rhett } Francis Nicholson Esq

Before the Honble Charles Hill Esq And the rest of the Justices of Assize and Commissioners of Oyer and Terminer and general Goal Delivery now held at Charles City in Berkley County for the province of South Carolina Appeared Willm Rhett by Robert Hume his Attorney and saith that as the Indictment was found by the Grand Jury on Wednesday the Eighteenth Instant by order of Court he was obliged to plead on the next day and was thereupon Tryed on the day following whereby the said William Rhett hath been very much straitned in point of Time to advise with his Council as to matters of Law who hath had other business at the same Sessions to take up a great part of his time Wherefore he humbly prays and moves this Court for further time till the next General Sessions to be held for this province to argue this Motion in Arrest of Judgement there being material points of Law that will arise upon the reasons given in Arrest of Judgement to be decided and he is ready to prove that by Law he ought to have time allowed him at least till the next Sessions And that he may be continued on his Recognizances in the mean time.

Reasons 1st That there is no Issue joined for the King and so a Mistryal and no Judgment can be given on the Verdict which is void and not upon Oath for the Jury were sworn to try an Issue where none was Joyned.

2d That taking the Words collective they import no more than that he was

no

no more Guilty of running Tobacco and defrauding His Ma^{ty} of the Duty^{s} than His Excellency Francis Nicholson Esq^{r} and in order to make the words Indictable It ought to have been averred in the Indictment That he the said William Rhett had been Guilty of the same

3rd That the said Indictment doth not set forth that His Excellency Francis Nicholson Esq^{r} was Captain General and Governor in Chief of this province at the time of the Speaking and publishing the words

4th That the said Indictment doth not set forth That his Excellency Francis Nicholson Esq^{r} was in the Execution of His Office as Captain General and Governor in Chief of the said province at the time of the Uttering & publishing the words laid in the Indictment

5th That the said Indictment doth not mention any time when his Excellency was charged to have run Tobacco or where so that for aught appears by the Indictment It may be intended to be charged as run by his Excellency Francis Nicholson in another part of His Majesties Dominions and at at time when he was neither Captain General and Governor in Chief of this province or had any other place of profit or Trust under His Majesty

6th That the Express words said to be spoken in the Indictment are not Criminal but supplied by an innuendo viz^{t} Meaning that the said Francis Nicholson had run two Hogsheads of Tobacco and had defrauded our said Lord the King of the Duty & Customs due to our said Lord the King for the same two Hogsheads of Tobacco which is the very substance of the Crime laid in the Indictment the words being said are You

have

have set me an example for you have done the same thing. which words have nothing in them without an Inuendo

Ylt. That the Words as laid in the Indictment are not Inductible in this Case. The same being founded on the Common Law

Hume & Quer

October the 26th 1722 The Court met

On the Mocon of Mr Hume Attorney for the Defendant

Order.d That further time till Friday the second of November next be assigned the Defendant to Argue his Reasons in Arrest of Judgement already filed

Friday the 2.d of November. The Court met according to Adjournment

Present

The Hon.ble { Charles Hill Esq Chief Justice; John Jenwick; Alexander Harris; William Dry; George Smith; Joseph Wragg } Esq.rs Assistant Judges

And having heard the Council of each side Argue the reasons took time to consider of their Judgement therein till the next morning

Then the Court adjourned

Saturday the 3.rd Nov 1722 the Court according to adjournment

And overruled the Reasons.

The Attorney General moved that the Record might be amended

ord.d

Ord.d The amendment be made (to wit) in these words following. And Benjamin Whitaker Esq Attorney for Our said Sovereign Lord the King who for our said Lord the King in this behalf prosecutes likewise &c

The Attorney Gen.l moved for Judgement

Ord.d accordingly

Coll.o William Rhett appearing to his Recognizance

The Court imposed a Fine of One hundred pounds Proclomacon Money which they accounted Four hundred pounds this Country Currency

Mr. Hume moved in behalf of the Defen.ds Surety Eleazere Allein that he might be discharged from his Recognizance for the Defend.ts appearance the Defend.t being then in Court.

Ord.d That the said Eleazere Allen be discharged from his Recognizance

Mr. Carrington Councel for the King moved that the Defendant stand committed till he pay his Fine and Fees

Ord.d That the Def.t William Rhett Esq stand committed till he pay his Fine and Fees

A true Copy taken from the original remaining in the Offici of the Clerk of the Crown Peace containing Seven Sheets

Attested &c John Wallis. ch. crp.

Rec.d Feb 11th 1722/3

Read.

B.P.R.O. South Carolina B.T. Vol 1

A. 93 (Inclosure) Rec^d 11 Feb. 1723

South Carolina

Att a Court of General Sessions Assize & General Goal Delivery held at Charles City & Port on Wednesday the 17^th day of October Anno Dom 1722

Present

The Honble { Charles Hill Esq Chief Justice; John Fenwick; Alexander Parris; George Smith; Joseph Wragg } Esq^rs Assistant Judges

The Commissions of the Chief Justice Assistant Judges and Justices of the peace were openly read

Then the Grand Jury were sworn and the Chief Justice gave his charge to them

Then the Court gave out a Bill of Indictment against Adam Stuart to the Grand Jury.

The Court adjourned till Four o'clock and met according to adjournment

The Grand Jury returned the Bill of Indictment against Adam Stewart in these Words following (to wit) South Carolina The Jurors for our Lord the King upon their oath doe present that Adam Stewart late of Charles City in Berkley County in the province of South Carolina Marriner on the Twenty first day of March In the Eighth Year of the Reign of our Sovereign Lord George by the Grace of God of Great Britain

France

France and Ireland King Defender of the Faith &c with Force and Arms &c at Charles Town now called Charles City and port in the province of South Carolina in and upon one Francis Goddard then Commander of Johnsons Fort in the province aforesaid In the peace of God and of our said Lord the King then and there being an assault make and the said Francis Goddard did then and there beat wound and Evilly Intreat so that of his life it was dispaired and other enormities to him did then and there bring To the great damage of the said Francis Goddard and against the peace of our said Lord the King that now is His Crown and dignity. Billa Vera. Anthony Mathews Foreman

And the said Adam Stewart by Robert Hume his Attorney did plead Not Guilty.

The petty Jury being sworn proceeded on the tryal of Adam Stewart The Jury withdrew to Consider of their verdict and found that Adam Stewart was guilty of the above Indictment John Sandus Foreman

Saturday Oct^{r} 20th 1722. The Court mett

On Motion of Benjamin Whitaker Esq Attorney General

Ord^{d} If any Motion be made in arrest of Judgement that the partie moving or intending to move in arrest of Judgement do file his Reasons why Judgement should be arrested Before Twelve of the Clock on Wednesday next in Writing

October the 24th 1722

Reasons filed in Arrest of Judgement pursuant to the afors^{d} order

The King
@ } Indictment for assaulting Francis Goddard
Adam Stewart

The

The Defendant found Guilty

Mocon in Arrest of Judgement

for that there is no Issue Joyned for the King and so a Mistryall and no Judgement can be given on a Verdict which is void and not upon the Oath of the Jury who were sworn to Try an Issue not in being

Hume f Deft.

October the 26th 1722 the Court mett

On Mocon of Mr Hume Attorney for the Defendant

Ordd That further time till Friday the second of November next be assigned the Defendant to argue his Reason in Arrest of Judgement

The Court adjourned till the second day of November next

Friday the 2d November 1722 the Court mett According to adjournment

present

The Honorable { Charles Hill Chief Justice; John Jenuck, Alexr Parris, George Smith, Willm Dry, Joseph Wragg } Esqrs Assistant Judges

Mr Hume Attorney for the Defl moved to waive his motion in Arrest of Judgement and submitted to the Judgement of the Court

The Court adjourned till the next day & mett according to adjournment and overruled the Mocon in Arrest of Judgement

The Attorney General moved that the Record might be amended

Ordd

Ord^{d} The amendment be made (to wit) in these words following. and the aforesaid Adam Stewart in his proper person comes and defends the Force and Injury when &c and saith he is not Guilty of the premises in manner and form as he is Indicted and for this he puts himself upon the Country and Benj^{n} Whitaker Esq^{r} the Attorney of our said Lord the King who for our said Lord the King in this behalfe prosecutes likewise

The Attorney General moved for Judgement

Ordered accordingly

Adam Stuart appearing according to His Recognizance. The Court imposed a Fine of Ten pounds Current money.

Upon the Motion of the Attorney General

Ord^{d} That the defendant Adam Stuart stand comitted till he pay his Fine and Fees

A true Copy taken from the Original remaining in the Office of the Clerk of the Crown & peace containing four sheets

Attested p^{r} John Wallis. ch. c & p

Rec^{d} Feb^{y} 11th 1723

Read.

B.P.R.O. South Carolina B.T. Vol 1

A 94 (Inclosure) Rec^d 11 Feb 1723

South Carolina / At a Court of Common Pleas held at Charles City and Port on Tuesday the 14th day of Aug.t Anno Dom 1722

Present

The Honorable { Charles Hill Esq Chief Justice; John Fenwick, Alex.r Parris, George Smith, John Croft } Esq.rs Assistant Judges

The Jury being empannelled and sworn proceeded on the following Tryal

Com / Berkss } Timothy Bellamy Merchant was attached to answer Robert Hume Gent one of the Attornies of the Court of Comon Pleas according to the rights and privileges of attornies and other Ministers of the same Court in the said Court from the time to the Contrary whereof the Memory of Man doth not exist used and approved of a plea of Tresspass & Assault and Battery &c And thereupon the said Robert Hume in his own proper person comes and saith that the aforesaid Timothy the thirty first day of July in the Year of Our Lord One thousand seven hundred and twenty two at Charles City in Berkley County in the province of South Carolina & within the Jurisdiction of this Court with force and Arms (that is to say) with Clubbs Staves & Swords on him the said Robert an Assault did make and him the said Robert did beat wound and evile Intreat so that his life was dispaird of and other Enormities to him did do to

the

to the great damage of him the said Robert and against the peace of our Sovereign Lord the King that now is wherefore he says he is the worse and hath damages sustained to the value of five hundred pounds curr! money and thereupon he brings his suite &c. Hume & Sejpso

Bellamy ads Hume } And the aforesaid Timothy by William Billing his Attorney comes and defends the Force &c. Injury when &c. and says that he is in noe wise guilty of the premises in manner & form as the aforesaid Robert hath above declared against him and of this he putts himself upon the Country and the aforesaid Robert Likewise &c. Billing. Deft

The Jury withdrew to consider of their Verdict and found damages for the plaintiff six pounds curr! Money. John Ashby Foreman

Judgement signed 28th November 1722 John Wallis CS C.P } Afterwards to wit the Fourteenth day of August in the year of our Lord One Thousand seven hundred and Twenty two came as well the aforesaid Robert Hume in his own proper person as the said Timothy Bellamy by his Attorney aforesd and the Jurors to wit John Ashby Foreman, James Mc Loughlin, Richard Mason, Richard Rowe, Thomas Atkins, Job Rothmahler, Thomas Howard Thomas Ellis, John Ladson Samuel West Abraham Seaward and John Frazer being duely impannelled & Sworn pursuant to the several acts of the General Assembly of this province in that case made and provided to Try the Issue aforesaid upon their oaths do say that the aforesaid Timothy Bellamy is Guilty of the Trespass and Assault & Battery aforesaid in Manner and Form as the aforesaid Robert Hume hath above declared And do assess Damages by reason of the Trespass

and

and assault & Battery aforesaid over and besides his costs and charges in this behalf expended to six pounds Therefore it is considered by the Court the the aforesaid Robert Hume do recover against the aforesaid Timothy Bellamy the damages aforesaid by the Jurors aforesaid in manner and form aforesaid assessed and also the sume of Twenty six pounds Eight shillings and Ten pence for his costs and Charges by him about his suite in this behalfe expended to the said Robt Hume by the Court now here of his Assent adjudged which damages do amount in the whole to Thirty two pounds Eight shillings & Ten pence And the aforesaid Timothy Bellamy in mercy

At a Court of General Sessions Assize and General Goal Delivery held at Charles City & Port the 17th October 1722

Present

The Honble { Charles Hill Esq Chief Justice; John Fenwick; Alex. Parris; George Smith; Joseph Bragg } Esqrs Assistant Judges

The Commissions of the Chief Justice Assistant Judges and Justices of the peace were openly read

Then the Grand Jury were sworn and the chief Justice gave his charge to them

Then the Court gave out a Bill of Indictment against Timothy Bellamy to the Grand Jury

The Court adjourned till four o'clock and met according to adjournment

The Grand Jury returned the Bill of Indictment against Timothy Bellamy in

these

these words following (to wit) The Jurors for our Lord the King upon their oath do present that Timothy Bellamy of Charles City in Berkeley County in the province of South Carolina Hat maker on the Thirty first day of July in the Eighth year of the reign of our Sovereign Lord George by the Grace of God of Great Britain France and Ireland King defender of the Faith &c with Force and armes &c at Charles City aforesaid in the province aforesaid in and upon one Robert Hume Genl. in the peace of God and our said Lord the King then and there being an Assault did make And the said Robert Hume did then and there beat wound and evil intreat so that his life was despaired of and other Enormities to him did then and there bring to the Great damage of the said Robert Hume and against the peace of our said Lord the King that now is his Crown and Dignity

Bills Vera Anthony Matheas Foreman

Saturday October the 20th 1722. The Court mett
And the Defd appeared in his proper person and pleaded not Guilty
The Jury being sworn the Court proceeded on his Tryal

The Jury withdrew to consider of their verdict and found that Timothy Bellamy was Guilty of the above Indictment John Sanders Foreman

The Court thereupon imposed a Fine of Ten pounds current money on the Defendant Timothy Bellamy

A true Copy taken from the original remaining in the office of the Clerk of the Crown & peace containing two sheets

Attested John Wallis cl. C &p

Recd 11 Feb 1723
Read

B.P.R.O South Carolina B.T. Vol 1

A. 96

Rec[d] 11 Feb 1723

Dn Antonio Rexidores petition to Gen[l] Nicholson

Most Excellent Gov[r] &c and to the Members of the Royal parliament

Don Antonio Rexidor Inhabitant of St. Augustin but now in Carolina puts himself at your Excellencys fet. as at the rest of the Royal Council In the best manner as he is able that is Convenient for his Right or Interest that in the year past One thousand seven hundred and Twenty there came to His Settlement some Indians of the Uchisa Nation and Robbed me of Three slaves. that were properly my own the which were brought into this Government. in the time of the suspension of Arms. for which reason I requiri them and for that about the same time there were several Vessels taken by our Privateers. that did belong to the province of Virginia and were restored by our Governor and the Captains that took them were Reprimanded for taken them By virtue whereof I beseech Your Excellency and the rest of the Gentlemen of the Council that I may have the said three slaves thrô the good correspondence of my Governor But if not that I may have a Testimony that I may recover my right where may be most Convenient and I beseech Your Excellency and Gentlemen of the parliament to me Justice and to hear me what is neccesary for me to say

South Carolina

Antonio Rexidor

A true Copy Examined March 19[th] 1721

Char: Hart. Secl[y]

× A 95 is not copied being an abstract of 11[th] Rhetts Read A 92

B.P.R.O. South Carolina B.T. vol 1
A. 97 (Inclosure

Rec^d 11 Feb 1723

At a Council held at the Council Chamber in Charles Town
April the 10th 1722.

Present

His Excellency The Governor

The Honorable Wm. Bull, Charles Hart, Esq^rs of His Maj^ty^s Council
Wm. Gibbon, Bn. De la Conseillere,

Upon reading the Docket of the proceedings of the General Sessions, Assize and General Goal Delivery held at Charles Town on Wednesday ye Twenty first day of March last. Resolved that his Majesty's Receiver and Attorney Gen^l consider of and secure what fines properly belongs to His Majesty and what other Fines are appropriated to particular uses: And that Coll^o Will^m Rhett Receiver General of y^e true and absolute Lords Proprietors look after and secure for their Lordships such Fines and forfeitures of persons Convicted of Criminal Offences as properly belong to their Lordships And that the said Coll^o Rhett be not debarred or obstructed in taking all Legal methods for the Recovery of such Fines and forfeitures as hoped in the conclusion of his paper read in Council called his Claim.

A true Copy May the 1st 1722 Pr Chas: Hart Sec^ry

At a Council held at the Council Chamber in Charles Town 19 April 1722

Present His Excellency The Governor

The Hon^ble William Gibbon, Ben^n Schenkingh, Charles Hart
B^a De la Conseillere Esq^rs of His Majesties Council

Will^m

William Rhett Esq Receiver General of the true and Absolute Lords proprietors of this province his Petition on behalf of their Lordships praying that the Honble Benja De la Conseillere Esq His Majestys Receiver may be ordered to Account with and pay to the Petitioner for the use of their Lordships such fines and forfeitures as His Majestys said Treasurer hath received for reasons therein contained being read. Ordered that the Petitioner produce his power from their Lordships (for so doing) to this Board tomorrow morning

A true Copy May the 1st 1722 p Chas Hart Secry

At a Council held at the Council Chamber in Charles Town 26th April 1722

Present His Excellency The Governor

The Honble Arthur Middleton Charles Hart Benja De la Conseliere Esqrs

On reading a paper signed William Rhett annexed to the Copy of a power from the Rt Honble The Lords proprietors of this province to him It is Resolved that Coll. Wm Rhett comply with the former order of this Board of the 19th Instant by exhibiting the Original Commission. if he has any regard to the Interest of their Lordships. and Ordered That he for the future pay more deference to the Orders of this Board (it being in his Mats Government) as he will answer the contrary at his Peril

A true Copy May 1st 1722

George by the Grace of God of Great Britain France and Ireland King Defender of the Faith &ca

To Benja De la Conseillere Esq one of Our Council in our province of South Carolina Greeting Wee reposing Especiall and particular Trust and confidence

Confidence in your Loyalty and Integrity Have and by these presents do nominate Constitute and appoint You the said Benjamin De la Conseillere to be our Receiver and Treasurer of our said Province of South Carolina to collect and receive for us all Fines and Forfeitures to us accruing by Vertue of any Law or Laws of our said Province and to dispend lay out and dispose of the same as you shall from time to time Receive Instructions and directions from us or our Governors and Commander in Chief of our said province for the time being Giving and hereby granting unto you the said Benjamin De La Conseillere full power and authority to execute all the Trusts and Powers to the said Office of our Receiver and Treasurer as aforesaid belonging or in anywise appertaining in as full and ample manner as our Receiver and Treasurer of our said Province may or ought to do To have and To hold the said Office of Receiver and Treasurer of our Province of South Carolina as aforesaid together with all & singular the Fees. Perquisites, Profits. Priviledges and advantages whatsoever to the said Office belonging or incident thereunto. during our pleasure

Given at Our Council Chamber in Charles Town under our Great Seal of our said Province the Day of January in the Eighth year of our Reign Anno Domini 1721 Witness Francis Nicholson Esq our Captain General and Governor in Chief of our said Province and Vice Admiral of the same So. Carolina / The foregoing is a True Copy of the Original Examined and Attested by me. May the 1st 1722. Chas. Hart Secy

The Treasurers Oath

Ye swear that ye shall well and truly serve our Sovereign Lord King George and his people in the Office of Receiver and Treasurer of this province

province for the receiving of all Fines and Forfeitures to His said Majesty accruing by the Laws of this province and for the dispending laying out and disposing thereof according to the Instructions and Directions you shall from time to time receive from His Majesty or his Governor and Commander in Chief for the time being of this province a true Declaration or Account thereof from time to time you shall make and render unto His said Majesty or his said Gov.r and Commander in Chief without any Concealment and further shall do everything that of right appertaineth to your Office so help you God

So. Carolina The foregoing is a true Copy of the Orig.l examined & attested May the 1st 1722 p me Chas. Hart Sec.y ——

At a Council held at the Council Chamber in Charles Town 9 November 1721

Present His Excellency The Governor

The Hon.ble Ar. Middleton W. Gibbon Jra. Yonge Will.m Bull } Esq.rs of His
Alex.r Skene Char. Hart Benj.a Schenckingh } Majesty's Council

Resolved That the Hon.ble Benj.a De la Conxillere Esq be appointed His Majesty's Receiver and Treasurer to receive all Fines and Forfeitures accruing to His Majesty by any Law or Laws of this province he entring into Bond with good & sufficient Securitys in the Penal Sum of Two thousand pounds curr.t money of this Province for the due Execution of that Trust and that a Commission be drawn accordingly — A true Copy May 1st 1722 - Cha: Hart Sec.y

At a Council held at the Council Chamber in Charles Town 18 Jan.y 1721

Present His Excellency The Governor

The Hon.ble A. Middleton Ralph Izard Wm. Bull } Esq.rs of His
Wm. Gibbon Chas. Hart B.r Schenckingh } Majesty's Council

The

The Hon^ble Benjamin de la Conseillere Esq one of His Ma^ts Council of this Province having been on the Ninth day of November last past chosen in Council for to be constituted His Majestys Receiver and Treasurer to receive all Dues and Forfeitures accruing to his Majesty by vertue of the Laws of this Province. took a proper Oath and entered into Bond with the Hon^ble Ralph Izard Esq his surety for his due and faithful Execution of that Trust and His Excellency the Governor signed his Commission for that purpose and caused His Majestys seal of this Province to be affixed thereto

A True Copy May 1st 1722 p^r Chas Hart Sec^y

Rec^d 11 Feb^y 1723
Read.

B.P.R.O. South Carolina B 2 vol 1

A 98 (Inclosure) Rec.d 11 Feb 1723

The Honble Benj.n De La Conseillere Esq His Ma.tys Treas.rs

Bond for the discharge of his Trust &c.

South Carolina

Know all men by these presents that wee Benjamin De La Conseillere and Ralph Izard of the County of Berkley in the province of South Carolina Esq.rs are held and firmly bound unto our Sovereign Lord King George of Great Britain France and Ireland defender of the Faith &c. in the full and just sum of Two thousand pounds current money of the said province payable to His said Majesty his Heirs and Successors to which payment well and truly to be made wee bind ourselves our Heirs Executors Administrators and every of us and them joyntly and severally firmly by these presents Sealed with our Seales Dated this Eighteenth day of January In the Eighth year of His Majesties Reign Anno Domini 1721

The Condition of this Obligation is such that Whereas at a Council held at the Council Chamber in Charles Town in the said province of South Carolina the Ninth day of November now last past it was resolved that the above bound Benjamin De La Conseillere Esq should be appointed his Majesties Receiver and Treasurer to receive all Rents and Forfeitures accruing to His Majesty by any Law or Laws of this His May.ty province of South Carolina and whereas by a Commission of this date in His Majesties Name and under his seal of the said Province witnessed by His Excellency Francis Nicholson Esq his Majesties Captain Gen.l

General and Governor of the said Province he is Constituted and appointed in the Offici aforesaid Now if the above bounden Benj.n De La Conseillere shall and do at all times hereafter during the time he shall continue in the said Offici duely and truly Execute the trust of His Majesties Receiver and Treasurer of the Province aforesaid by well and truly receiving paying and accompting for all and every Sum and Sums of money which by Vertue of his said Office shall come into his hands and also shall and do duly and Lawfully perform and execute all and every other trust to the Offici aforesaid belonging or any wise appertaining Then this Obligation to be Void or else to remain in full force and Vertue &c.

Signed Sealed & delivered in the presence of
Cha: Hart

Ben De La Conseillere (LS)
Ra Izard (LS)

The above Bond was Signed Sealed & delivered to His Excellency His Maj.ty Governor in Council 18th Jan.y 1721
Wm Pemley. CC. Coun

So. Carolina The above is a True Copy of y.e original Examined and attested May the 1st 1722
Cha: Hart Sec.y

Rec.d 11 Feb 1723
Read

B.P.R.O. South Carolina B.T. vol 1

A. 99 (Inclosure) Rec.d 11 Feb 1723

A List of vessels taken by the Spaniards since the cessation of Arms & carryed to S.t Augustin

		Sterling
Schooner	Mulberry Tree Geo Basset Master Loaden w.th sugar pitch Tarr &.c	£ 200
Sloop	Ann Samuel Kemp M.r Bound hither from Barbados loaden w.th Sugar Rum and Negroes	£ 400
Sloop	Industry Joseph Palmer M.r loaden w.th Bread Flour and Beer bound hither	£ 300
Ship	Union John Younger M.r taken by a Spanish privateer off the Capes of Virginia & retaken by a English priva.r plundred of the Spaniards as above	£ 500
Ship	Phoenix of Glasco Buchanan M.r carried into S.t Augustin & had a Cargoe on Board of	£1200
Sloop	Samuel of London from Guinea taken off the Coast of Virginia had on Board 80 slaves	£2400
Ship	Recovery Dan.l Russell of London had a Cargo on Board of	£ 1000
Brigantin	Mary Ann Edward Hardy M.r sailed from this Port to London loaden with Rice & had on Board 1300 pieces of 8/8	£ 1900
Ship	S.t Cristophers of Bristol taken off the Capes of Virginia had on board a Cargoe value at	£ 3050

George

George Duccott coming from Minyan to this Harbour was plundered by a Spanish privateer to the Value of £100 Sterling consisting of Rum Skins Sugar &c.ª } £100

£11550

A List of the Negro and Indian Slaves taken in the Year 1715 and Carryed to St Augustin in the time of our Indian War

Collº John Barnwell	9
Robt Wilkinson	4
Capt John Cochran deceased	30
James Paterson	4
Robert Graham	10
William Ford	1
Cornelius Mc Carty	5
Joseph Palmeter	2
George Duccott	1
Capt Rowland Evans	3
Joseph Bryan Senr	1
Saml Turner	1
Thomas Jones	1
Capt John Jackson	1
William Bray	9
	82

Charles Town South Carolina Octor 1721

A true copy Examined March 19th 1721 pr Chas Hart Secy

Samuell Warner	4
Collº Mackay	4
Danl Callahan	5
Stephen Beadon	3
	16

A List of negros taken the years 1720 + 1721

Collº John Barnwell	3
John Cowan	2
Col. Wm Bull	4
John Norton	1
Sarah Norton	1
Timothy Maginny	2
Madm Logan	3
Mr Daniell	2
Major Wm Blakeway	1
Total	117

Francis Nicholson Govr
Ar Middleton 9
Ja Moore Speaker

B.P.R.O. South Carolina B.T. Vol 1.

A.100 (Inclosure) Rec.d 11 Feb 1723

South Carolina ss

(Seal) George by the Grace of God of Great Britain France & Ireland King Defender of the Faith &c

To Daniel Green Esq Greeting Whereas William Hammerton Esq Naval Officer of our province of South Carolina hath obtained leave to goe for Great Britain on Matters which may be of consequence to our interest and Service as well as his own Interest and that some proper person should be appointed to Execute that Office during his absence We therefore reposing Especial Trust & Confidence in Your care prudence and Ability Have made constituted and appointed and by these presents do make constitute and appoint You to be Naval Offer of our province of South Carolina for and during the absence of the said Wm Hammerton from our said Province hereby Impowering and requiring you to take Entrys of all Ships and Vessells Inward Bound to or Outward bound from our said Province and Generally to do Act and perform all such Matters and things as to the Office of Naval Officer in any of our Colonies or Plantations in America doth in Anywise appertain or belong To have and to hold the said Offer of Naval Officer during the absence of the said Wm Hammerton as aforesaid and for and during pleasure Together with all Fees Perquisites & profits incident to the said Office Given at our Council Chamber in Charles City and Port in our Province aforesaid Under our public Seal of our said Province the

Thirteth

Thirteth day of November 1722 in the Ninth Year of Our Reign Witness Francis Nicholson Esq Our Capt Genl and Govr in Chief of our said Provinci and Vice Admiral of the same

By His Excellys Command Fr Nicholson

Cha: Hart Secy

In Council Novr ye 30th 1722. Signed & Countersigned & the seal affixd

Wm Tunley Cl

South Carolina

Know all men by these presents that We Daniel Green John Baxdale & Franc Le Brasseur Gent are held and firmly bound Jointly and severally unto his Excellys Francis Nicholson Esq his Majesties Capt Genl and Commander in Chief in and over his Majestys Provinci of South Carolina in the Just and Full sum of one thousand pounds sterling to be paid to the said Francis Nicholson Esq or to his certain Attorney Executors Administrators or Assignes to which payment well and truly to be made and done We jointly and severally do bind ourselves Executors and Administrators and every one of them firmly by these presents sealed with our Seals dated this Thirteth day of Novr in the Ninth Year of His Majesties reign Anno Dom 1722

The condition of this Obligation is such that whereas the above bound Daniel Green hath been Commissioned to Act as Naval Offici during the absence of Wm Hammerton present Naval Officer now

now bound for Great Britain and for and during pleasure Now if the said Daniel Green shall well and faithfully Execute that Trust according to the Commission and Instructions by His Excellency Francis Nicholson Esq.r above mentioned to him Given and according to the directions of the several acts of parliam.t of Great Britain relating to Trade and Navigation and otherwise which he ought to observe and follow Then this obligacon to be void and of none effect otherwise to be and remain in full force & virtue

Dan.l Green (LS) John Barksdale (LS) J. LeBrasseur (LS)

Sealed & Delivered in the presence of Wm. Hammerton

In Council Nov.r y.e 30.th 1722 Signed sealed and acknowledged by the sev.l Oblig.rs who also delivered the same for the use therein ment.d Wm. Pinkney CC. Con.

At the Council Chamber Whitehall the 27.th of September 1720

Present

Their Excellencies the Lords Justices

Lord Chancellor. Lord president Lord Chamberlain. Duke of Devonshire Earl of Carlisle. Earl of Loudon. Earl of Halifax. Lord Falmouth. M.r Pulteney M.r vice Chamberlain. M.r Hampden. General Wills. M.r Sec.y Craggs.

Francis Nicholson Esq being constituted by Commission under the Great Seal of Great Britain His Majesties Capt Gen.l and Gov.r in Chief of the province of South Carolina this day took the oaths before their Excellencys the Lords Justices in Council Appointed to be taken instead of the oaths of Allegiance and Supremacy together with the oath appointed to be taken by the Gov.rs of His Majesties plantations for putting in Execution the Acts of Trade and

and Navigation ——— Temple Stanyan

The Oath of a Gov.r of His Majestie's Plantations taken before their Excell.cys the Lords Justices in Council by Francis Nicholson Esq.r the 27.th Sept.r 1720

I Francis Nicholson Capt Gen.l & Gov.r in Chief of His Majesties province of South Carolina do solemnly swear that I will do my utmost that all the Clauses Matters and things Contained in the several Acts of parlia.t heretofore passed in the Kingdom of Great Britain and now in force relating to His Majesties plantations in Asia Africa and America (viz.t) one Act of parl.t made in the Twelfth Year of the Reign of King Charles the second Entituled an Act for Encouraging an Encreasing of Shipping and navigacon. Another Act made in the Fifteenth Year of his said late Majesty Entituled an Act for Encouragement of Trade Another Act made in the Two and twentieth & Three & twentieth Years of his said late Majesty's reign Entitled An Act to prevent the planting of Tobacco in England & for regulating the plantation Trade Another Act made in the Twenty fifth Year of his said late Majesty Entituled An act for the Encouragem.t of the Greenland & Eastland Trades & for the better securing the plantation Trade & one other Act made in the 7.th and 8.th Years of his late Majesty King Williams Reign Entituled an Act for preventing Frauds and Regulating Abuses in the plantation Trade shall be punctually and Bona fide Observed according to the true intent & meaning thereof as far as unto me appertaineth

A true Copy Temple Stanyan

In Council Nov.r ye 30.th 1722

The above oath (Mutatis Mutandis) was then administred to

Daniel

Daniel Green The alteration follows viz.t instead of y.e name and title above with y.e Black line drawn under were used ye following words

I Daniel Green Comiconed to serve as Naval Officer of this his Majestys province during the absence of William Hammerton Esq.r present Naval Officer and during pleasure do solemnly swear &c

Jos.t Wm. Tinley. CB. Con.

Rec.d 11 Feb.y 1722/3

Read.

B. P. R. O South Carolina B.T. vol 1

A 101

Rec.d 11 Feb 1723

The Oaths appointed to be taken by all persons before they are Qualified to serve his Majesty in any employment whatsoever by An Act made in y.e First year of His present Majesty King George

I. A. B. Do sincerely promise and swear that I will be faithful and bear true allegeance to His Majesty King George. So help me God /.

I. A. B. Do swear that I do from my heart abhor detest and Abjure as Impious and Hereticall that Damnable doctrine and position that princes Excommunicated or deprived by the Pope or any Authority of the see of Rome may be deposed or murthered by their Subjects or any other whatsoever And I do declare that no Foreign prince person prelate State or Potentate hath or ought to have any Jurisdiction power superiority Pre-eminence or Authority Ecclesiastical or Spiritual within this Realm - So help me God /.

I. A. B. Do truly and sincerely acknowledge Profess testify and declare in my conscience before God & y.e World that our Sovereign Lord King George is Lawful and rightful King of this Realm and all other His Majestys Dominions and countries thereunto belonging and I do solemnly and sincerely declare that I do believe in my conscience that y.e person pretended to be a prince of Wales during y.e life of ye Late King James and since his decease pretending to be and taking upon himself y.e Stile and Title of King of England by y.e name of James y.e Third or of Scotland by y.e name of James y.e Eighth

Eighth or ye. Stile and Title of King of Great Britain hath not any right or Title whatsoever to ye. Crown of this Realm or any other ye. Dominions thereto belonging And I do renounce refuse and Abjure any Allegiance or obedience to him and I do swear that I will bear faith and true Allegiance to His Majesty King George and him will defend to ye. utmost of my power against all Traiterous Conspiracies and attempts whatsoever which shall be made against his person Crown or Dignity and I will do my utmost endeavour to disclose and make known to His Majesty and his successors all Treasons and Traiterous conspiracies wch. I shall know to be against him or any of them and I do faithfully promise to ye. utmost of my power to support maintain and defend ye. succession of ye. Crown Against him ye. sd. James and all other persons whatsoever which succession by An Act Intituled An Act for ye. further Limitation of ye. Crown and better securing ye. Rights and Liberties of ye. subject is and stands Limited to ye. princess Sophia Electoress and Dutchess Dowager of Hanover and ye. Heirs of her Body being protestant and all these things I do plainly and sincerely acknowledge and swear according to ye. Express Words by me spoken and according to ye. plain and Common sense and understanding of ye. same words without any Equivocation mental Evasion or secret reservation whatsoever and I do make this Recognition Acknowledgement Abjuracon Renunciation and promise Heartily Willingly and truly upon ye. true faith of a Christian

So help me God /.

I A. B Do in the sincerity of my Heart assert acknowledge and declare that His Majesty King George is the only Lawful and undoubted

undoubted Sovereign of this Realm as well De Jure that is of Right as King De facto that is in possession and exercise of y^e^ Government and therefore I do sincerely and faithfully promise and engage that I will with heart and hand life and goods maintain and defend His Majestys Title and Government against y^e^ person pretended to be Prince of Wales during the Life of the late King James and since his decease pretending to be and taking upon himself y^e^ stile and Title of King of England by y^e^ name of James y^e^ Third or of Scotland by y^e^ name of James y^e^ Eighth or y^e^ stile and Title of King of Great Britain and his adherents and all other Enemies who either by open or secret attempts shall Disturb or Disquiet His Majesty in y^e^ possession and Exercise thereof. —

The Declaration appointed to be taken by an Act 30^th^ of Charles y^e^ 2^d^ _____

I A B do solemnly and sincerely in ye presence of God profess Testify and declare that I do believe y^t^ in y^e^ Sacrament of y^e^ Lords Supper there is not any Transubstantiation of y^e^ elements of Bread and Wine in y^e^ Body and Blood of Christ at or after y^e^ consecration thereof by any person whatsoever and that y^e^ Invocation or Adoration of ye Virgin Mary or any other Saint and y^e^ sacrifice of y^e^ Mass as they are now used in y^e^ Church of Rome are superstitious and Idolatrous and I do solemnly in the presence of God profess Testify and Declare that I do make this declaration and every part thereof in ye plain and ordinary sense of the Words read unto me as they are commonly understood by English protestants without any Evasion Equivocat^n^ or mental

mental reservation whatsoever and without any dispensation already granted me for this purpose by y^e^ pope or any other authority or person whatsoever or without any hope of any such dispensation from any person or authority whatsoever or without thinking that I am or may be acquitted before God or Man or absolved of this Declaration or any part thereof althó y^e^ Pope or any other person or persons or power whatsoever should dispense with or annull ye same or declare that it was null and void from y^e^ beginning-

The Test or Declaration to be subscribed by all persons that shall bear any Offici Prescribed by the 25^th^ Car II 2^d^ Cap

I A.B. Do declare that I do believe that there is not any Tran-subtantiation in y^e^ Sacrament of y^e^ Lords Supper or in the Elements of Bread and Wine at or after y^e^ Consecration thereof by any person whatsoever _____

Council Chamber 13 May 1721

Francis Nicholson. Arthur Middleton. Ra Izard. Will^m^ Bull
A Skene. Th^o^ Smith. Jo^o^ Morton. Wm Gibbon. Charles Hart
Ja. Yonge. James Kinloch. Benj^n^ Schencing. Ben^t^ Dea La Conseillere

May 31^st^ 1721 { James Smith Judge of Vice Admiralty
Wm Tunley Reg^r^ Cur. Vice Adml^ty^

June 2^d^ 1721 William Rhett Surveyor & Comptroller
June 2^d^ 1721 William Hammerton. Naval Officer
June 21^st^ 1721 Richard Trigg Surveyor and Searcher
June 7^th^ 1721 Thomas Broughton. Collector

June

June 9th 1721 Francis Yonge Chief Justice
Charles Hill
Alex.r Parris } Assistant Judges
Jn.o Jenwick
Sam.l Eveleigh
Wm Loughton Provost Marshall
Jn.o Lloyd Reg.r & Ex.r in Chancery
Wm Blakeway Vendue Master
Benj.n Whitaker Advocate & Att.y Gen.l
Robert Johnston Mars.l of the Vice Adm.y
Robert Yonge Public Registrar
Tho.s Lloyd Cap.t of y.e Fortifications
Gerard Monger Comm.r of Fort Moore
John Wallis C. L. C. C & Peace

June y.e 10th 1721

John Barnwell Coll.o & Commander of the Forces in Granville County
Wm Tunley Clerk Council
M.l Brewton Powder Receiver
John Croft Notary Publick
Dan.l Green Coroner
Th.s Lamboll Dep.y Secret.y

June 27 1721

Tho.s Clifford Attorney at Law

June 27 1721

Thomas Ellery Attorney at Law
Richard Beresford Com.r for Duping Pirates

July 7th 1721

James Moore George Chicken
Joseph Blake

July 27 1721

Jn.o Jenwick Na: Izard J Hepworth
Arnd Allen Wm Blakeway Cha: Hill
Geo. Chicken John Lloyd Geo Smith
J. Jackson John Raven Peter Cattle
Will.m Wakes Jn.o Millins Ed.d Bellinger
Ja.s Moore Tho.s Smith Rog Moore
J. N. Maupart D.l Huger Luc.d Allein
Percival Pawley Richard Capers

July 29th 1721

Rob.t Jenwick Tho.s Lynch W Wilkinson
Mic.l Darby N.l Partridge Clerk to Assem.y
John Brown Messeng.r to y.e Assembly

Aug 3rd 1721

John Woodward Abra.m Ive Rich.d Smith

Aug 19th 1721

Benjamin Waring Rich.d Beresford

Sept.r 13th John Barnwell

Aug.t

Aug.t 8th 1721 Jonal.n Main.
Aug 19th 1721 Chas. Russell Comm.r Congaree Garrison
Aug 26th 1721 Tho.s Barton High Sheriff Berkley County
Sept 5. 1721 John Palmer Cap.t in Col. Jenwicks Regiment
Tho.s Hill Ensign to Capt Palmer
Sept. 14. 1721 Hill Croft, Jere.h Milner, Country Traders
Sept 18th 1721 Jon Collings.

Sept.r 27th 1721. Wm. Baillezell Surgeon of Alatamaha Garrison
John Fisher Surgeon of Fort Moore
Oct 3rd 1721 Will.m Bull. George Chicken, Jn.o Herbert, Comrs of the Indian Trade
Tho.s Hepworth Secretary to the aforesaid Commiss.rs
Oct 4. 1721 John Wilkins. Captain; Tho.s Heyward Lieutenant; Jn.n Evans. Ensign
Oct 17. 1721 J. Goddard Cap.t of Johnsons Fort
John Hogg. Tho.s Heming. pilots

A true copy Examined and attested 28th October 1721
J. Chas Hart Sec.y

Rec.d 11 Jel. 1723

B.P.R.O. South Carolina B.T. Vol 1.
A 102 (Inclosure) Rec.d 11 Feb 1723

To His Excellency Francis Nicholson Esq Governor Capt.n General and Commander in Chief in and over the province of South Carolina and To the Honble The Members of His Majesthp Council

The Petition of William Rhett Esq. Receiver General of the true & absolute Lords and Proprietors of the Province of South Carolina

Sheweth That about the Xnth day of April instant on Your Petitioners putting in a Claim before Your Excellency and Honors to the Fines and Forfeitures of Criminals on behalfe of the True absolute Lords & Proprietors of this province It was ordered that your Petitioner look after and secure for the said Lords proprietors such Fines and Forfeitures of Persons convicted of Criminal Offences as properly belongs to them

That your Petitioner is informed soon after Your Excellen.y arrival into this province The Hon.ble Benj.n De La Conseillere Esq was nominated and appointed by Your Excell.y and Honors to be Receiver General of the Fines and Forfeitures of persons convicted of Criminal Offences by Verbie whereof he hath received several fines and forfeitures all which as Your Petitioner is advised do belong to the said Lords Proprietors amounting to a considerable sum of money which your Petitioner conceives he is well intituled to demand

Wherefore your Petitioner on behalf of the said Lords proprietors prays that the said Benj.n De La Conseillere may be ordered to account with Your Petitioner for what fines and forfeitures he hath received & that he may pay the same over to your Petitioner for the use of their

their Lordships

And your petitioner shall ever pray &c

Wm Rhett

In Council April ye 19th 1722 read and ordered that the petitioner produce his power from the Lords proprietors to morrow morning.

So Carolina The above is a true copy of the original. Examined & Attested May the 1st 1722 Ye Char: Hart Secry

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To His Excellency Francis Nicholson Esq Governour Capt. Generall and Commander in Chief in & over the Province of South Carolina & to the Honble The members of His Majestys Council

The claim of William Rhett Esq Receiver Generall of the true and absolute Lords and Proprietors of this Province

The said Receiver Generall on behalf of the said Lords Proprietors saith and alledgeth that by vertue of two severall Charters granted by His late Majesty King Charles the Second constituting them True & Absolute Lords & Propts of this Province all Fines and Forfeitures of persons convicted of Criminal offences against the Crown within this Province do of right belong and appertain to the said Lords proprietors and have always hitherto been enjoyed and received by them accordingly

The said William Rhett doth further alledge that by vertue of a certain Instrument and Instructions bearing date in January 1710 under the Hands and Seals of the Lords proprietors of this Province he is impowered to receive to the use of the said Lords Proprietors all such

Fines

Fines and Forfeitures as aforesaid, as by the said Instrument and Instructions recorded in the Secretarys Office of this Province may appear

The said Receiver General saith he humbly conceives and is advised that till such time there is a Judgement given against the Lords Proprietors for the King on the forfeiture of the said Charters The Lords Proprietors are well intituled to enjoy the said fines and forfeitures And the said Receiver General further saith that he hath not yet been informed of any Judgement or Seizure for the King by process of Law neither doth he know or hath he heard of any orders from His Majty or His Council that such Fines and Forfeitures should not be received and enjoyed by the said Lords Proprietors

Wherefore this Claimant hopes it will appear that the Lords Proprietors are still well Intituled to such Fines and Forfeitures and that he shall not be debarred or obstructed in taking all legal methods for the Recovery of such Fines and Forfeitres for the use of the Lords Proprietors according to His duty and the Trust reposed in him

Wm Rhett Recr General

In Council April the 10th 1722 Read and a Resolve thereon

So Carolina

The above is a true Copy of the Original Examined May the 1st 1722 p Chas Hart Secry

Recd 11 Febry 1723

Read

B. P. R. O. South Carolina B. T. vol 1.

A. 103. (Endorsement)

Carolina. So:

Copy of what Gen.l Nicholson proposed to say to the Spaniards - sent from St. Augustine as also what both House of Assembly - proposed.

Rec.d from Mr. Yonge with his Letter of 9th Feb 1722/3

Rec.d 11 Feb 1722/3

Read

A. 104 (Endorsement)

Carolina

Credentials Translated from the Gov.r St. Augustine to Don Fran.s Menandes a Spanish Marquess together with a Copy of the Gov.rs Letter to Gen.l Nicholson and Gen.l Nicholsons Answer t.o

Rec.d from Mr. Yonge with his Letter of 9th Feb 1722/3

Rec.d 11 Feb 1722/3

Read

B. P. R. O. South Carolina. B. T. vol 1.

A. 66 Whitehall 14 February 1723

To the R^t Hon^ble ye Lords Comm^rs of Trade

My Lords

Enclosed I transmit to your Lord^ps by the Kings Command the petition of William Rhett Esq^r Deputy Surveyor Gen^l of His Majestys Customs in South America. as also the Memorial of M^r Francis Yonge Agent for South Carolina together with several Papers relating to the Complaint of the said Rhett that your Lord^ps may take that matter into your consideration, and report your opinion what is fitting for His Majesty to do therein. I am

My Lords

Your Lord^ps

most humble Serv^t

Carteret

Rec^d 18 Feb
Read 21 do } 1723

N. B I have not thought it necessary to copy these voluminous papers W. N. S.

(Inclosure)

A. 67

To the Kings Most Excellent Majesty

The humble petition of William Rhett Esq Deputy Surveyor Generall of your Majestys Customs in South America by John Lynch Merchant his Attorney in England

Sheweth

That your petitioner hath for many years past faithfully and truly executed & discharged his duty in the said office to the satisfaction of Your Majestys Comm.rs of Customs in Great Britain

That your petitioner hath upon all occasions shewn the utmost Zeal and Affection for the service of Your Majesty & Royal Family and your petitioner was a Chief Commander in the taking of a Great number of the pirates in America, who by that means were brought to condign punishment & the Trade of your Majestys subjects in that province was greatly improved and for which your petitioner received the Honor of Thanks from the then Governor & the Assembly of the province of Carolina

That the Comm.rs of your Majestys Customs were pleased to signify to Francis Nicholson Esq. your Majestys now Governor of that province, that he should assist & countenance Your Majestys Officers of the Customs, and that in case of any Frauds the same were to be represented to the said Comm.rs who your Majesty hath made the sole Judges thereof

That your petitioner being informed of many Abuses that were committed to the prejudice of Your Majestys Customs in the Island of Providence and that your petitioners presence was absolutely necessary for regulating

regulating the same In or about the month of August 1721 Your petitioner provided a sloop for his passage to that Island. but before he entered upon his said passage he received a Letter from Your Majestys said Commrs of the Customs directing your petitioner to state the accounts of some persons who had been long & very much indebted to Your Majesty and also the Account of the Seizes and Forfeitures of five Vessells which were condemned in Carolina And your petitioner was proceeding in his said affairs with the utmost expedition. But before he had entered thereon he applied to the said Govern.r Nicholson to deliver him a Letter which in no sort related to your petitioner but was from a Gentleman in an Office under one of your Majestys principal Secretarys of State. And upon your petit.r delivering the said Letter to the said Governor he was pleased to charge your petitioner in a most violent and indecent Manner. with his Hands bent as if he would strike your petitioner down & with Names Opprobrious suitable to such passions & insinuated your pet.r had been guilty of defrauding your Majesty of your Customs for two Hogsheads of Tobacco pretended to be consigned to your petitioner thō in truth they were consigned to your pet.rs son of the same name and had duly paid Your Majestys Duties. as by the Entries in the proper Offices appeared

That your Pet.r was under the greatest surprize at so unusual Treatment & to be charged with so unjust and false a charge did inform the said Governor of the Truth of that Fact and further added that if that was a Crime in him. the Gov.r had given him an Example having had Tobacco consigned to him which he could prove by the certificate and Entries

Entries

That your pet.r was afterwards informed that the Gov.r was displeased at your pet.rs saying that he the said Gov.r had Tobacco consigned to him tho it was Truth in Fact. He the said Governor was pleased to order him & his securities to enter into Recognizance for £300 to appear at the next sessions which was ten days after upon an Indictment for the aforesaid Words pretended to be scandalous against him

That your petitioner accordingly appeared at the sessions when the Jury was impanneled for his Tryal. where the Gov.r was present in Court & not only so but influenc'd the Jury with presents of some considerable value. which he pretended he had received from persons of Distinction in England

That upon the Bill being found by the Grand Jury your pet.rs Counsel mov'd for the usual Time to traverse the Indictment which was refus'd to your pet.r and the Tryal instantly hurry'd on. tho in Fact no issue joyn'd and the evidence was given of Words spoken which were never thought of by Your pet.r yet the damage was found by the Jury against your petitioner and amounted to Four hundred pounds

That after the said Tryal had. your pet.rs Counsel moved an arrest of Judgement. and amongst several Reasons one was that Issue was not joyn'd before Tryal but the Judges being influenced by the Gov.r got over that and the other Reasons by ordering an Amendment upon the Record. and your petitioner was immediately ordered to pay the Fine which he not submitting to (having intimation that the said Governor intended

intended to set up several other accusations and prosecutions against him) was committed to prison where he now lies and has remain'd ever since. By which your Pet.rs Health and private Fortune are considerably impaired. and not only so but your Majestys Revenues in that part of your Dominion has received Great prejudice thereby. And such is your Pet.rs confinement that his Room is close and nauseous and not above ten foot square and the Governor has been pleased to declare. that if any of your Majestys Officers in the said province shall visit your said Pet.r they shall lose their Imploym.ts and has forbid the Justices to take any Affidavits on his behalf to prove the aforesaid Facts & the many other Hardships he has suffer'd All which Acts being the reverse of your Majestys mild and Great Clemency And inasmuch as practices of this kind do very tend to the Discouragement of Your Ma.ty good subjects in that province and to the utter Destruction of Trade in America as also the Abuse of your Majestys Royal Authority

Your Pet.r therefore most humbly prays that Your Majesty will be pleased to take this Your Petitioners most deplorable Case into your Royal Consideration and that you will out of your Accustomed Gracious Clemency order his said Fine to be remitted & his person to be discharged out of prison. And that Your Majesty will be pleased to grant a Commission to such persons as your Majesty shall think fit for taking Depositions of Witnesses to lay before Your Majesty the truth of this case and that the Governor may be dealt with & your Pet.r relieved in such Method as to your Majestys Great Goodness shall seem meet

And Your Pet.r (as in duty bound) shall ever pray &c &c

(Inclosure)
A 68

To the Right Hon^ble John Lord Carteret one of His Majestys Principal Secretarys of State

The Humble Memorial of Francis Yonge Agent for South Carolina

Sheweth

That the said Francis Yonge having received repeated Directions from the Gov^r Council and Assembly of the said province to lay before your Lordships an acc^t of the Misbehaviour and Illegal Trading of Will^m Rhett Esq^r Surveyor and Comptroller of His Maj^ts Customs in the said province & the Bahama Islands & of the ill consequences & pernicious Effects thereof to the Fair Trade & to pray Yo^r Lordships will please to have y^e same remedied does therefore take leave to Represent to your Lordships

That contrary to the statutes of Rich^d the 2^d Chap 10 & the 20^th of Hen 6^th Chap 5 the first of which are in these words no Customer or Comptroller shall have any ship of his own or meddle w^th the Freights of any ships & in the second it is among other things ordain'd that no Customer or Compt^r of the Customs shall have any ship of their own or shall buy or sell by Colour of Merchandize nor they shall not meddle with Freighting of ships or have or occupy any Wharfs or Keys The Foregoing two recited Statutes he has most notoriously broken not only by being owner of several Vessells but by keeping Wharfs for the Loading and Unloading ships the Masters of which ships find it necessary to go to His Wharf to the prejudice of others or else he refuses them going up the Rivers to Load on pretence he has

orders

orders. not to permit any vessel to Load any where then at Charles Town which he does nevertheless permit to such as Load or unload at his Wharfs and many other partialitys to the great prejudice and discouragement of others Inhabitants and Merchants in the said Town

That he did in the summer of the Year 1720 (while His Majty was at War with the Crown of Spain) send a sloop called the Bonetta to St. Augustine a Spanish Fort on pretence of Fetching Prisoners from thence but as it appears by the Masters (James Sandbrup) & other Affidavits hereunto annext The said Sloop was loaded with provisions of several kinds & other goods which were sold to the Spaniards by his order as also four Great Guns & Shott for them. several chests of small Arms & other Warlike Stores & which returned Freighted with Cotton Sugar &c taken out of British ships. just then made prize by ye sd Spaniards

It further appears the sd Rhett also by a sloop called the Betty Joseph one Palmer Master made the said Spaniards (then Enemys to His Majty) an offer of a Vessell then just arrived from Antegoa, which he said was a prime sayler & had Eight good Guns. but would handsomely carry Ten. all which doings it is humbly conceived. are not only Contrary to his duty as an Officer of the Customs but expressely contrary to his Allegiance & the Laws of the Realm. to furnish His Majtys Enemys with provisions and Warlike Stores. It appearing also by the sd Affidavits that the privateers from that Port took and made prize of several British Vessels after that time. and very probable with the Guns and Arms sold to them by the said Rhett. they having been sold to a privateer then lieing off that Barr.

That the said Rhett did in the year 1721. Import Tobacco at Charles Town without

without Certificate, in his Schooner the Mary which Tobacco was sold by Sarah his Wife to sundry persons in the said Town as may appeare by the Affidavits annexd and which Tobacco was seen and taken notice of by the searcher Richard Wigg. but belonging to Mr Rhett was not seized by him as it ought to have been

That the said Rhett being employed as a Factor by Mr Thomas Walker of the Island of Providence one of the Agents for the Bahama Company, did in October 1721 contrary to his duty, his Instructions and the Usage of the port. Grant a Bill of Store to the Recovery Sloop to take on Board a parcel of Enumerated Goods, after the said Sloop was cleared out & unknown to any of the other Custom House Officers which Goods being as he thought too great a Quantity for the use of so small a Vessell he put into the Bill of Store these Words (for the use of the said Sloop and of the ship Delicia) the ship Delicia then being at Providence. That Mr William Hammerton Naval Officer being informed of the said Goods being on Board seized the said Sloop wch was Condemned in a Court of Admiralty for which proceedings of the said Hammerton the sd Rhett has (as this Memorialist is informed) procured an Order for putting him out of his Employment to the utter Ruin of him & his Family & as it is humbly conceived, only for doing his Duty according to his Oath

That His Excellency Francis Nicholson Esq the Governor being informed of many of his the said Rhetts illegal and unwarrantable practices & desiring him to answer ye same he writ him that he the said Govr had nothing to do with the Customs or their Officers that the Commrs had instructed the whole management thereof to him & has encouraged the said Officers what in him lies, to throw off any obedience to the said Governor, altho your Lordships well knows that his Excellencies Instructions from his Majty are to

take

take care that the Laws of Trade are duly observed & that if the Officers of the Customs Refuse or neglect to do their Duty he shall suspend them and send his Reasons for his so doing to His Majtys principal Secretary of State and to the Lords Commrs for Trade and Plantations

All which said Actings and doings and many others too long here to enumerate are not only highly prejudicial to His Majestys Revenue contrary to ye Laws of the Land and to his Duty as Surveyor & Comptroller of His Majestys Customs but also a great Discouragement to the Inhabitants and Merchants of that Collony. Derogatory to the Authority of the Governor and the Instructions he has had the honor to Receive from His Majesty which are thereby slighted and sett at Nought and therefore by His Excellencies Commands is most humbly submitted to Your Lordships Wisdom & Justice to Remedy

Francis Yonge.

London February the 1st 1722

B P R O South Carolina 153 vol 1

A 87 Rec[d] 1 Mar 1725

To the Right Hon[ble] the Lords Comm[rs] for Trade and Plantations

The Answer or Replication of Francis Yonge Agent for South Carolina on behalf of His Excellency Francis Nicholson Esq Governor of that province to a petition presented to His Maj[ty] in Council by William Rhett Esq and refered to Your Lord[ps]

May it please Your Lordships

Having (with Your Lordships permission) seen and considered a Coppy of a Petition of William Rhett Esq his Majestys Deputy Surveyor General of the Customs in Carolina and althe the same contains nothing but frivolous insignificant and false allegations and complaints I take leave humbly on behalf of the said Governor to answer and reply to the several Articles or paragraphs of the same as followeth

1[st] The said Will[m] Rhett Esq setts forth that he has for many years past faithfully and truly Executed and Discharged his duty in his said Office to the satisfaction of the Hon[ble] Comiss[rs] of His Maj[ts] Customs

Answer To this I answer that I am humbly of opinion that your Lordships will not entertain such a thought when you have been pleased what he is now charged with in a Memorial now lying before Your Lordships signed by myself by the Gov[rs] orders and refered by His Majesty in Council to your Lordships together with the said petition of the said William Rhett Esq

2[d] For his Zeal to His Majesty and Royal Family (I hope it is so) and for his being a Chief Commander in the taking several Pirates

for

for which he received the thanks of the then Gov[r] and Assembly of Carolina

Answer Althó the paragraph is Foreign to the matter in question and only to make himself appear a Man of Merit I can however (if necessary) produce an account of his behaviour in taking the said pirates by which it will appear that he capitulated with them and granted them such Terms as he was no ways impowered to do and at that time when he had them at his mercy and in consequence of the same suffered several of them to escape and go where they would as every one of them might have done if they had pleased that he Quarrelled with the then Gov[r] for his inviting that they should be brought to Condign punishment but indeed it can be made appear he has quarrelled with all the Governors that ever were there and therefore it may not be so much wondred at that he continues so to do still

3[d] That the Comm[rs] of the Customs did write to to Gov[r] Nicholson to assist and countenance the Officers of the Customs

Answer To this I say I dare aver and am ready to prove that the Gov[r] in pursuance of such orders from the Commiss[rs] of the Customs did assist and countenance the Officers of the Customes where their Actions have Corresponded with their duty but I cant believe they desired that he would represent Frauds to them His Majesty having made them the sole Judges of such Frauds because those Hon[ble] Gentlemen very well know they are not the Judges of them for such things are tryed in His Majesty's Courts of Law and no where else neither could the Gov[rs] doing so be obeying his Instructions from His Majesty which are to represent such Facts to His Majesty's principal Secretary of

of State and to your Lordships

4th That he was about to reform abuses at providence having provided a sloop for that purpose and to adjust Accounts of Money due to His Majesty when had occasion to deliver a Letter to the Govr and the words happened that occasioned his prosecution

Answer I say as to his having provided a sloop such as is mentioned in this Artcle it is not to be presumed that I can prove Negatives but I verily believe and one of His Majestys officers of the Customs is now in London who was there at that time can testify he never heard of such a sloop being provided But supposing such a sloop was provided as is pretended it seems very extraordinary that he should let her continue useless for near a Twelvemonth or be stopt in his voyage or be hindred making up Accounts of His Majesty by this Quarrel and Tryall between the Govr and him the said Rhett which was not till May 1722 and by his own shewing the sloop was provided and fitted in August 1721 and he was then going on the said Accounts with all Expedition from whence it plainly appears That this paragraph is purely calculated with a view to make your Lordships think the Kings service suffers by his imprisonment by his being impeded in his voyage to providence and being hindred in adjusting Accounts of Money due to His Majesty But my Lords notwithstanding these spurious pretences I shall (when your Lordships shall be pleased to give us a hearing) fully prove to your Lordships that his Imprisonment is voluntary for that the Chief Justice proposed to him in Court to find security for his fine but he answered he would go to prison and stay till the King his

master

Master took him out which plainly shews that he only meant to raise a clamour and have an opportunity of complaining ag! the Gov.r for by his own confession and Allegation it appears that on the Gov.rs telling him he had defrauded His Majesty of the Duty⁹ of five Hogsheads of Tobacco that he was as angry as the Gov.r and told him he had sett him an Example but he adds they had duly payed the Duty⁹ as by the Entryes in the proper offices appeared which being one of the Complaints ag! him I shall say no more to here but shall prove the contrary when your Lordships shall think proper to have the same laid before ye

5th That he was surprized at the Gov.rs Anger and Ill treatment and that he the said Rhett told him he had Tobacco consigned to him likewise

Answer This I presume with submission to your Lordships needs no answer than that the words he spoke were to the Gov.r in Council and the Gentlemen of the Council ordered the prosecution and they and the Clerk were the evidence ag! him to whom I doubt not your Lordships will give some credit as the Court there did

6th That he was afterwards informed that the Gov.r was displeased at the petitioners saying that he the Gov.r had Tobacco Consigned him tho it was truth in fact

Answer To the fact I can say nothing more than that I am Informed there is no such fact but if the Gov.r had Tobacco consigned him I dare averr it had paid the Kings duty and was not for sale but we can when your Lordships think proper prove otherwise of M.r Rhetts. He says further That he the said

Governor was pleased to order him and his securitys to enter into a Recognizance for £1500 to appear at the next sessions wch was ten days after upon an Indictment This part of the Allegation seems very strange to me that he should be bound in a Recognizance but ten days before the sessions and yet the words spoken for which he was indicted in the Indictment are layed and proved to be spoken the 10th day of May 1722 and the Court sat upon his Tryall the 17th oct following which is above 5 months after a sufficient time surely for him to provide for his defence notwithstanding his Insinuation that it was hurryed on And I find a Coppy of a Letter of the 28th June from the Attorney General to the Governor that it was necessary he should be bound over to the sessions that he might not traverse his Indictment which is a strong presumption he was bound over soon after

His seventh is a very hard and severe Reflection on the Governor as well as on the Judges and Jury but being in pretty General Termes I must leave him to prove it before Your Lordships Not doubting as to the Govr the Courts an Jurys innocency as to this fact

As to his Eighth and Ninth Allegations I must beg leave to refer your Lordships to the Tryall and other authentick papers I have by me by which I doubt not but that it will fully appear to your Lordships Entire satisfaction that he has had nothing but Justice done him And that his Close confinement is his own voluntary action purely for a foundation of Clamour and that his fine his reasonable Thó by him set forth as otherwise by his calling it four hundred pounds which indeed it is that Currency. but it is not above 70£ or 75£ sterling and which if he had payd or found

security

security for he might have been at liberty as well his person as to have applyd home for a Remittance of it. and his circumstances are too well known for him to pretend it was a sum above his Abilityes to pay or find security for He further alleges. The Govr. has forbid the Magistrate to take Deposition of the Facts by which he is incapacitated to prove his Allegations which Allegation I hope he will plainly prove to your Lordships otherwise I doubt not but your Lordships will be of opinion that all he has alleged is groundless false and scandalous and a Reflection on His Excellency the Governor and done purely with an intent to remove him from His Government and from His Majestyes esteem

But being sensible of the Governors prudent behaviour and good Conduct in the Government of that province I humbly hope that such scandalous and unjust Accusations will not anyways affect him or answer the petrs. malicious designs Therefore to the end that the said Govr. may have an opportunity of making his Innocency appear Your Respondent humbly prays that Your Lordships will be pleased to appoint a short day for the hearing the said Petition and Complaint and the said Govrs defence thereto

All which is humbly submitted by

My Lords

Your Lordships most obedient

and most humble servant

Fras: Yonge

Recd 1 March
Read July 10 } 1723

B.P.R.O. A+W.I. Vol. 18. p. 59

So Carolina Charles Town
March the 11th 1723

May it Please your Lordship

We have had lately a boat from St Augustine with a Letter for me from the Govern^r and I am preparing Copys thereof &c to Transmitt to your Lords^p which I hope to have the Honor of doing to Morrow, and Francis Yonge Esq will wait upon Your Lordship if you please to give your Lordship an Account of all Our Affairs being so writt to by him who is

Your Lordship's
Most Obliged Obed^t
Faithfull Humble Serv^t
T: Nicholson.

Lord Carteret.

B.P.R.O. a-4-N.I. vol. 18. p. 60.

So Carolina Charles Town March 12th 1723.

May it please your Lordp

I herewith send your Lordp the Duplicate of my Letter of Yesterdays date and I herewith humbly Transmitt to yor Lordp Copys of sevl papers &c (viz.) Nº(1.) Copys of Letters &c English. Nº(2.) Copys of the Govr of St Augustine's Letters &c. Nº(3.) Copys of Letters, Spanish papers &c. Nº(4.) Copys of Two Letters from the Honble Lord Carteret &c Nº(5.) Comittees Report concerning my Lord Carterets Letters &c. By which papers your Lordp may please to see what is done Concerning the Governr of St Augustine. I received the said Govrs Letters &c the morning after the Assembly was Prorogued so I have not had an Opportunity of Laying the same before them but I communicated it to some of His Majties Honble Council; We are all apprehensive that the Governr of St Augustine sent them as Spyes to see what condition Fort King George was in & what other things they could Informe themselves in. To send your Lordp these Copys of Papers &c I thought it a Duty incumbent on him who desires leave to Subscribe himself One of

Your Lordships Most Obliged Obedt Faithfull Humble Servt

Lord Carteret. Fr: Nicholson.

B.P.R.O South Carolina B.T. vol 1
A 107

London April 2d 1723

To Alured Popple Esq

Sir

Having some time since given an answer to Mr Rhetts petition referred to the Right Honble The Lords of Trade, and thó the said Rhett has been some time Dead. Yett considering not only his Excellencie General Nicholson's honor but that of the Judges Jury &c of Carolina is asperced I think it my duty on their behalf to begg you will do me the favour to move their Lordships. that they will be pleased to appoint a short day for hearing the the Merrits of the said petition and answer and proceed to report their opinion thereon to His Majtie as is directed in the said Reference I am

Sir

Your obed! Humble Servant

Ira: Yonge

Recd April 2nd
Read July 10th } 1723

B. P. R. O. South Carolina B. T. Vol 2 B13

(10th April 1723)

To the Right Honourable the Lords Commissioners of Trade and Plantations

My Lords

In obedience to your Lordshipps Commands I have perused and Considered the severall Acts followeing passed in Carolina Entituled

An Act for advanceing the Salaryes of the Clergy

An Act for building Bridges in the parish of Saint James's Santee

An Act for the Releife of poor Debtors

An Act for preventing the Desertion of Insolvent Debtors And for the better securing the Frontiers of this Province.

An Act to confirme and Establish to Bridges now standing over the head of Ashley River and for building another Bridge on the South side of the said River to Dorchester Town

And An Ordinance to appoint John Crosskeys Countay Trailer

To all which I have no objection to their being passed into Law All which I humbly Confesse to your Lordshipps And am

My Lords

Your Lordshipps most Obedient and most humble Serv.t

Rec.d April 11th } 1723 — 10. Apr 1723 Rich.d West

Read Aug.t 20th }

B P R O South Carolina B T Vol 1

A 71 11 April 1723

To the Right Hon^ble The Lords Commiss^rs of Trade and Plantations

My Lords

In obedience to Your Lordships Commands I have perused and Considered An Act passed in Carolina Entituled An Act for the Good government of Charles Town

By which Act Charles Town is erected into a City and the govern^t of it as such is lodged in a Mayor six Aldermen twelve Common Councill men and a Recorder. Besides whom there are severall other subordinate Officers appointed

And for the better administration of Justice within the new erected City the Mayor. Recorder and four Aldermen have power to determine Larcenies p^r according to the Laws of Great Britain and are also Impowered and Obliged to hold every five months a Court of Comon Please to determine all actions not exceeding fifty pounds Sterling and alsoe to hold plea in Ejectment for lands within the said City and to determine the same

There are also a great many other privileges and powers in the Bill that are usually granted to new erected Corporations. To the greatest part of which I have no objection to their being confirmed But yet there are two or three particulars in the Bill which to me seem altogether unreasonable and contrary to the method of establishing the government of Cities in England

1. It is usuall in England and most Equitable that the offices at least of Mayor and Comon Councill men should be annuall. But in this new Erected City tho indeed there is a Rotation as to the Office of Mayor among the persons first nominated in this Act. yet the persons so named are to be possessed

possessed of their several offices during their lifes

2. Whenever by death or any other means a vacancy happens in any of the said offices of Mayor Alderman or Comon Councill the Freemen at large of the City are totally excluded from having any share in the Election of a successor But the Mayor Alderman and Common Councill Men for the time being are Impowered from time to time to fill up every vacancy that shall happen among them with such persons only as they themselves shall think proper

3 They Mayor Alderman and Common Council are also by this Act invested with the sole power of making such By Laws and Ordinances as they shall think proper which are to be binding to all the Freemen within the City

If the Act therefore is considered in this light that the nineteen Gentlemen who are nominated in the Act to be the first Mayor Aldermen and Common Councill are possessed of their Offices for life. have the sole power of Choosing their own successors and the sole power of making such By Laws as they shall think fitt the Government established by this Act is the Compleatest Oligarchy that ever was seen. since the entire Government of this City and of all the persons who shall ever dwell in it seems to be vested in these Nineteen Gentlemen their Heires and Assigns for ever

But besides what I have already mentioned to your Lordships there is another objection to this Act which has been represented to me by Mr Shelton on the behalfe of the major part of the Inhabitants of the parish of Charles Town which is that this Act of Incorporation was passed in against their Consents and Contrary to their Inclinations And in order

to justify

to justify what he affirmed he left with me the Copy of a petition to the Assembly of the province of Carolina of which he did at the same time produce the Original signed by no less than One hundred and thirteen of the Inhabitants of the Town which as Iam informed does not contain in it quite Three hundred persons complaining of the act (Then a Bill depending in their House) and praying that it might not pass into Law

How farr the allegations of Mr Shelton are true or not I cannot pretend to say. But if upon enquiry they shall appear to be well founded for that and the other reasons I have before mentioned Iam of opinion that this Act is not proper to be passed into Law all which is humbly submitted by

My Lords

Your Lordships most obedient and most humble Servt

Richard West

Recd 11 April
Read 7 May 1723

NB. Rich. West was Counsel (specially appointed) to the Lords of Trade & Plantations
W.K.L.

B P R O South Carolina B. T. vol 1

A 108

Charles City and Port So Carolina

To the Lords of Trade 21st April 1723

May it please Your Lordships

I now send to Mr Yonge Journals Laws &c in order that he may wait upon Your Lordps and receive your Comands concerning them I have this Opportunity of sending them by James Kinloch Esq one of His Majesties Honble Council and if Your Lordships please he can give a just and full account of all our affairs he being a Gent very well Qualified to do it And a Gent of a very fair character in all respects and he hath one of the best Estates in the Country

Wee have already had more ships and Vessels in respect of Don-nage than was ever known in the Country and it is supposed there is loading enough for them and for those that are expected but the People are afraid that their Comodityes of Rice Pitch and Tarr there being so much of it will come to a Low market the papers &c which I send to Mr Yonge by Mr Kinlochs going I will not presume to trouble Your Lordships with any farther account of those affairs at present but I beg leave to assure Your Lordships that I am

Your Lordships most obliged, obedient and
faithful Humble Servant
Jr Nicholson

Recd
Read } July 10th 1723

B P R O South Carolina B. T. Vol 2 B 16

Charles City & Port S. Carolina May 28th 1723

May it please Yo. Lordp.

I did my self the Hond. of writing to Yo. Lordp. the 21st of the last Month and herewith is a Duplicate of the Same.

I send to Our Agent Some Papers &c in Order to lay them before Yo. Lordp.

Mr. Secry Hart and the Comittee of Correspondence Sends to the Said Mr. Yonge Severall Papers &c which he is also to wait upon Yo. Lordp. with and I hope in God that what hath been and is now Sent for Yo. Lordp. will meet with Yo. Lordp. Approbation.

I thank God there hath been a very Good Trade here in Genl. and in particular in Skins which I take to be very Beneficial to Great Brittain because they are purchased with Woollen and other British Manufactures and the Skins are likewise very Advantageous for the Trade thereof. We have not only had a Greater Number of Ships & Vessells but much more in Point of Tonage than ever was in this Country before We have but Seven Ships now left Three Brigantines and a Sloop Some of which will Sail in Eight or

Ten

Ten Days and the rest by Midsumer Except be Capt Smiter who I hope will not be long after because I am in Dayly hopes of Receiving his Ma.ty Royall Lycence to goe to Great Britain for Six Months in whom I intend (God willing) to take my Passage And when I arive in London I shall According to my Duty do myself the Hon.r of Waiting on Yo.r Lord.p In the Intrim I do Assure your Lord.p that I am

Yo.r Lord.p Most Obliged Obedient and
Faithfull humble Serv.t
Js: Nicholson

Ld.s of Trade

Recd Aug.t 8.th
Read Oct 29.th 1724 } 1723 &c
&c

B.P.R.O. A & W. I. Vol. 18. p. 54.

Charles City & Port Dr Carolina

May ye 23d 1723.

May it please your Lordship

According to my Duty I writt to Yor Lordp ye 29th of April last and sent Duplicates thereof One or both of which I hope in God Yor Lordp will Receive and that James Kinlock Esqr one of the Members of His Majtys Honble Council will have ye Honor of Waiting on Yor Lordp severall Papers &c.

Mr Yonge is to Present to Yor Lordp what he receives from the Committee of Correspondence as likewise from Mr Secry Hart and I now send him Severall Papers &c humbly to present to your Lordp I thank God there hath been a very good Trade here in Generall and in particular in Skins which I take to be very Beneficial to Great Britain because they are Purchased with woolen and other British Manufactures and ye Skins are likewise very advantageous to the Trade thereof we have not only had a Greater Number of Ships and Vessels, but much more in point of Tonnage than ever was in this Country before, We have but seven ships now left three Brigantines and a Sloop some of which will

Lord Carteret

Sail

sail in Eight or Ten days and the rest by Mid-summer unless be kept Smiter who I hope will not be long after.

This is designed by the Revd Mr Comissary Bull a Clergyman who hath an Extraordinary Good Charrecter in all Respects therefore his going from hence is Generally Lamented but it is hoped that he may return in ye same station by the same ship he now goes in, with whom goes Mr Edward Brailsford Merchr of a very fair Character. If your Lordsp is pleased to permit them they can give Yor Lordsp a full & Just Acct of all affairs of this Country.

I hope yor Lordp will be so good as to get his Majtys Royal Lycence to goe for Great Britain So that when I gett to London I may have the great Honr of Paying my Most Humble Duty to Yor Lordp In the Interim I beg leave to assure Yor Lordsp that I am with all sincerity

Yor Lordps Most Obliged
Obedient and Faithfull
Humble Servant
Fr Nicholson.

B P R O South Carolina B 2 Vol 1.

A 73

[24 May 1723]

To the Right Hon^ble The Lords Comm^rs for Trade and Plantations

The Memorial of Rich^d Shelton Esq in the behalf of the Major part of the Inhabitants of Charles Town in South Carolina, against an Act passed there Entituled An Act for the better Govern^m^t of Charles Town

Sheweth That the said Act is very unreasonable oppression and burthen upon the Inhabitants of that Town and that it was passed contrary to His Majestys Instructions given to the Governor and is inconsistant and contrary to the Laws Customs and Usage of Great Britain

1st Because it is very unusual for any Law to be made regulating the Government of any Town or place in so secret a manner as this was and contrary to the Consent of the Inhabitants as appears by a Copy of a petition signed by one hundred and twenty three of the Inhabitants and addressed to the Gov^r Council and Assembly and also by another Original petition, word for word the same with the former addressed to the Assembly. That to prove the Petitioners are a Majority of the said Town your Memorialist has two Muster Rolls, the truth of which are attested by Affidavits wherein all the Inhabitants from 16 years of age and upwards are mustred which in all amount to the Number of 291 out of which number are excepted Fifty one which are called Alarm Men, who are freed from all Duties, and are only to bear Arms in time of Imminent Danger. 17 who live out of the Limits of the Town

on a

on a place place called the neck are excepted from all duties besides the Mayor and Officers of the new Corporation which are in number 36 so that what remains to bear the Burthen and Duties of the Town are only 187 One hundred and twenty three of which are petitioners and have shewed their Dissent to this Act And to prove that the petitioners are the Major part of the Town in consideration of their Interest there Your Memorialist has a true Abstract from the Town Tax List whereby it appears that 20 of the petitioners pay more Tax for their Estates in that Town than the Mayor Aldermen and Common Council of this new Corporation

2d Your Memorialist begs leave to represent that such was the secret & unusual Manner of obtaining this Act that Major Blakeway who gave it to the Engrossing Clerk, entreated him to do it with all secrecy and expedition and assigned this for his Reason that if it was to come to the knowledge of any of the Towns people they would petition against it and he was fearful would overthrow it. to prove this your Memorialist has an Original Affidavit

3d Your Memorialist conceives that a Corporation must commence either by Common Law as the King is a Corporation by Common Law by prescription or Custom by Act of parliament or by Charter. by Act of parliament this can't commence for in that case the Royal Assent must be obtained. but there was no such Assent given. from whence it may justly be inferred that His Majestys prerogative is very much concerned in this point and the property of the Subject is highly affected for by this Act they have laid a Toll and a Duty of half a Crown a Head upon

upon all great Cattle and proportionably upon Sheep Hoggs Fowls &c which shall be sold within the said Town which not only affects the Inhabitants but all ships that victual and refit from thence. This was thought so great a Crime. that it was adjudged a just forfeiture of the Charter of the City of London where it was said His Majestys subjects could not be taxed but by their Representatives in parliament & His Majestys consent thereunto obtained therefore whether this is a breach of the 17th Article of His Majtys Instructions to the present Governor is humbly submitted to Your Lordships

4th That as this Bill now stands the Mayor Aldermen and Common Council are in for their Lives so that the Freemen have no Choice of persons to represent them in making By Laws for the Govermt of this Town For when there happens to be a vacancy in the Common Council the Mayor Aldermen &c are only to have the Choice

5th That the French protestants who are almost one fifth part of the Inhabitants and contribute proportionally to the Expences of the Government & are obliged to serve on Juries and undergo the other Burthens and hardships of this new Corporation are excluded from ever being freemen by this Act

6th That the multiplicity of Courts which are no less than 11 in one year Viz! Six Mayors Courts by this Incorporation. four courts of Common pleas. and four of Session besides six Yearly Masters. occasions so great a loss of time to the Inhabitants that most of them will be forced to leave the Town to avoid so unreasonable a Burthen

7th

7th Your Memorialist begs leave to lay before Your Lordships some of the proceedings of this Incorporation before His Majestys assent was or could possibly be obtained for the same. By the Laws of the Province all the Juries are to be drawn by balloting and to have 20 days Notice before the holding of the Court And it is directed by a Clause in this Act of Incorporation that the Jury should be summoned by the Laws of this province as formerly. But this new Jurisdiction, at the very first Court they held took upon them to summon a Jury without giving the usual notice. the Jurors attended, and insisted before the Court that they not being summoned according to Law might be lyable to some prosecution for serving & therefore desired time to consider, upon which the Court adjourned but ordered the Recorder to take eleven of those Jurors into Custody which he accordingly did and committed them to Goal. The Court sitting in the afternoon the Jurors were brought there in Couples like Malefactors and fined 20 pounds apiece thô by their By Law then lately made the Fine was no more than five pounds. The Provost Marshal proceeded and levyd the said 20 pounds and three pounds more for costs of Court, on each of the said Jurors and then the Court proceeded to make up the Grand Jury by a Tales de Circumstantibus a method contrary to Law and never before made use of At the same Court there was also a petty Jury of 23 Men for trying Criminal Matters but the next day no more than three of those appeared. they thought the Burthen so intolerable. The Court then proceeded to make up that Jury by a Tales also which is Conceived in cases of Criminal matters cannot be done but only in cases of Nisi prius

Your

Your Memorialist therefore hopes that this Act is such Considered with the circumstances of the place, that the very mentioning several of thes Facts will be sufficient Reason why it should not be confirmed, and humbly prays that it may be repealed, and the Money so illegally exacted from the Inhabitants, in respect to the Fines and Fees may be restored

All which is humbly submitted

Rec.d
Read } 24 May 1723

B. P. R. O. South Carolina B 2 vol 1.

A. 74

[May 1723]

To the Right Honorable the Lords Comm^rs for Trade and Plantations

The Memorial of the Merchants and others Trading to South Carolina relating to Paper Money

Sheweth That against the Rights Liberties and Properties of the British Subjects it was first Introducted in the year one Thousand seven hundred and two by Stamping £6000 Tenderable by Law in payment of Debts

Nevertheless the provision that had been made by Act of Assembly for the sinking of them was Faithlessly broke through and instead of sinking those Bills they made more and afterwards broke the acts by which they were also ordered to be sunk Increasing the Bills from £6000 to £20,000 all Tenderable by Law in payment of Debts though unprovided for, or that could be depended upon

In 1712 they added to them £36,000 more which they called a Bank Act whereof £32,000 was to be lett out at Interest to the planters to pay for every £100. £150 in 12 years at the rate of 12½ ℔ Cent ℔ annum

It is obvious that by these despotic and unwarrantable proceedings the British Merchants and Traders who had given the planters Large Credits to Stock themselves with Negroes and other conveniences lost immediately full ½ of their Debts for their Agents being forced to take the paper Money in payment from the planters. these being out of Debt were at Liberty afterwards to put such price upon their product as they thought fit. and according to the reputation the paper Money bore

insomuch

insomuch that Rice which should have been as usually but at 15/ hath been sold at £5 ℔ cent Pitch from 15/ Rose by degrees to £4. 5 and Tarr from 10/ to £3. 10. ℔ Barrel ℔ 8/8 and Plate at 40/ ℔ ounce. and by this means the planters have found the way to pay their Debts in a legal manner with two or three shillings in the pound to the utter ruin of His Majestys good Industrious subjects of Great Britain.

The Merchants were not wanting from time to time to make application to the Board of Trade and the Lords Proprietors for Redress and after the long delays for such growing evil. obtained a peremptory order to the Governor and Council to have the evils of those Laws remedied

But the Assembly valued no orders that came from the Lords having found the Sweet of the Cheat. they would do nothing to remedy it. but went further on in their frauds

In the Year 1715 they stampt £30,000 more to carry on the Indian Warr chiefly occasioned by the Consequences of the paper Money notwithstanding that the Merchants offered to lend them money to be paid by Tax of the Produce of the Country at a price certain yet they refused those offers which would have kept the standing paper money in some repute

They again made £5000 more and instead of sinking them in June 1716 they broke through the Publick Faith of that Act and Continued over and above the former Bills the Currency of these last £35,000 + enacted £15,000 more to be made. and altho they pretended to raise Taxes amounting to £90,000 to be paid in three years to pay off these Bills yet they broke through that Act and no Bills were sunk by it

Upon

Upon the repeated Complaints of the Merchants the Lords Proprietors sent Robert Johnson Esq Governor from whom they took security to observe their orders knowing by woful Experience that hardly any man can stand the temptations which such people can lay in the way of a Governor to obtain the passing such Money Bills into Acts and their Orders were positive to him to have the paper Money sunk by a Tax lykely after the Laudable example of the Queen and Council to the Governor of Barbados where the Assembly had also erected a Land Bank in order to raise their product at the Expence of their Creditors the British Traders. but were wisely stopt by an order to sink it by a Tax upon their lands and Negroes. yet the order of the Lords and the endeavors of the Governor proved as fruitless. for althô a new Assembly was called and an Act was made in 17/17 to sink £51,000 of the Standing Bills in 2 years wherein the preamble of the Act declares

"That it is found by Experience that the Multiplicity and Encrease "of the Bills of Credit hath been the cause of the ruine of Trade. and hath "been the Great Evil of the Province and that it ought with all expedition "to be remedied &c."

Notwithstanding this fine Preamble that Act was also broke through and repealed. as was also that which followed 17/18/19 to give 3 years longer time for the sinking of £30,000 thereof and finding that the Governor and Council would consent to no Act for altering the last they took y^e^ opportunity to overset the Lords proprietors Government. which done they past a new Act 17/19/20 to enable all persons to pay their debts in

Rice

Rice at 40/ ℔100 lb pitch at 40/ ℔ barrel which is about 4 times the true value and six times more than it can clear in England moreover they passed two Acts instead of sinking for making more Bills in the first £13000 and the second £9000 in all £34000 which they called Rice Bills and therein valued at 30/ ℔100 lb ℔ more then it was to be by their own Act in March 17 21/22 but finding by the discredit of the Bills that they could get 40/ for their Rice. they a month before the time apointed for payeing off the Tax past another Act for giving Liberty to pay the Tax in paper Money. now the Bills paid in pursuance to that Law ought to have been cancelled as the Act directs but instead of that the Commissioners that received them kept them untouch't and by an Act past since the arrival of General Nicholson they are issued out again and made Current

The British Merchants and other Tair traders in and out of Carolina cannot but with grief and great Submission express their disappointment in the reasonable hope they had that General Nicholson went empower'd to oblige the planters to put in Execution the Good acts they had made. and particularly that which required all the Paper Money to be sunk in March 17 21/2 but instead of that they found to their sorrow that he hath suffered them to pass an Act which not only repeals it. But also gives 20 years more time for sinking the paper Money now Current by £1000 ℔ annum and what passeth all understanding and must needs convince all the World that that sett of people are not to be satisfyed with the Greatest Lenity and unparallelled Condecendency of that Generall they are now endeavoring to pass an Act for the Stamping of £120.000 more Paper money against which

which above 30 of the most substancial Merchants factors and Traders of the province having made an Humble Representation and Memorial to the Governor Council and Assembly. on the behalf of the British Merchants themselves and others in the province showing the unreasonableness thereof and our great Sufferings by the paper Money as by the petition and the Memorials doth appear. they all of them were taken into Custody and Denyed the protection of the Law and Appeal to the Governor and Council voted the Memorial false scandalous and destructive to the true Interest of the province. a base reflection on Proceeding Parliamentary proceedings and a high Indignity to the present General Assembly imposing upon them the necessity of petitioning and Confessing pretended offence and begging to be put at liberty paying near Twelve hundred pounds fees which hardships and despotic proceedings affect the British merchants the more in that it is for their sake that this stand and last effort was made to preserve their right and properties which if passed uncomplaind of and disregarded the contagion is great and will spread into all other colonies. and no opperturnities will be wanting to oppress and defraud the British Subjects of their just Debts and trading growing thereby precarious will disable the most Industrious from supporting the good Government we live under

All which is humbly submitted to your Lord^{ps} Consideration

Allard Delinc. Sam^{l} Travers Steph Godin Dd Godin Jno Lynch
Isaac Perrow Thomas Apam Jacob Satur John Lloyd Ra Noden

Rec^{d} May 22^{d}
Read do 24th } 1723

B P R O South Carolina B 2.

A. 75 A true Abstract taken from the Town Tax List

Corporators		Petitioners		Corporators		Petitioners	
Andrew Allen	£96. 8. 9	John Breton	£23. 19. 4	Ben[a] Godin	£23. 9. 2	J. Manigault	£71. 10. 9
Thomas Barton	6. 10. 10½	Jno[a] Bellamy	56. 0. 10	Jn[o] Hutchins	38. 11. 8½	M. Perceau	56. 0. 6
Wm Blakeway	20. 17. 6	John Bee	41. 11. 4¼	J. Hepworth	27. 18. 6	Jn[o] Simmonds	46. 2. 6
Mic[l] Brewton	67. 1. 8	Wm Crook	31. 12. 1	Cha: Hill	38. 17. 6	Moses Wilson	26. 13 6
John Cawood	7. 16. 8	Geo. Duckett	30. 6. 11¾	An. Mathews	77. 12. 2	Jn[o] Brann	16. 8. 11
Benj[a] de la Conseillere	53. 11. 3	Jas Dupoisdor	33. 17. 8½	Alex Parris	37. 16. 5½	Ja: Holmes	13. 5. 7¼
Tho[s] Dymes	25. 11. 5½	Sam[l] Eveleigh	66. 9. 4½	Ric[d] Splatt	15. 12. 11	Wm Harvey	23. 1. 11¾
Tho[s] Fairchild	14. 7. 8½	Elias Foisini	32. 16. 10½	Rob[t] Tradd	26. 1. 3	Ed[d] Porter	21. 5. 3¾
Dan[l] Green	28. 11. 6	Sol[n] Lagree	50. 19. 10¾	S Cavelier	22. 19. 6½	Jon[a] Main	16. 5. 11
Wm Gibbons	112. 13. 10	John Moore	38. 13. 5½	Jos Nagg	74. 12. 6	Rob[t] Maingault	43. 13. 3½

Corporators Total £827. 0. 6 Petitioners Total £814. 1. 8

N. B. The clerk to the Commissioners of the Tax being out of Town: could not gett the Tax List N° 1 nor yet this attested but shall send them by the next opportunity. if the attested copy of this sent home by our Adversarys make it appear that the Corporators pay more than the petitioners it is because they have added to the Town Tax that for which they are taxed in the country which ought not to have been done

Rec[d] / Read } 30 May 1723

B P R O. South Carolina B. T. Vol 1 [May 1723]

A 76

To the Hon^ble James Moore Esq^r Speaker and the rest of the Hon^ble Members of the Commons House of Assembly

The Humble Petition of the Mayor part of the Inhabitants of Charles Town Sheweth That your petitioners are informed that An Act passed the last General Sessions of Assembly intituled An Act for the good Government of Charles Town That your Pet^rs take leave to inform Yor Honors that the said Act was introduced by the Town Representatives without their ever being consulted or advised with on a Matter of so great an Importance & without their petitioning or desiring any such thing to be done on their behalf

That Your Pet^rs humbly apprehend and are well satisfied that the said Act instead of being a Benefit to the said Town will be the Greatest Burthen that can be laid upon it for besides the ordinary Courts of Justice which are four Courts of Pleas and two of Sessions. besides Special Courts and six musters Yearly there are added six Courts for Tryal of Causes yearly at the Mayors Court where some of your petitioners as Jurymen must attend. that Yr Pet^rs conceive their ordinary attendance at the six Courts before erected will be very hard service since the establishing County and Precinct Courts

That the Common Council named by the said Act are appointed Common Council for Life instead of being chosen Yearly by the freemen. and the said Mayors Court notwithstanding that the Inhabitants are declared free by the said Act yet will enforce the said Inhabitants to take out their Certificates for Freedom and to pay fifty five shillings a piece for the same for the benefit of their new created Officers

But

But not to mention the many particular Inconveniencies arising by the said Law to the Town they do humbly apprehend that instead of Enlarging thereof the Inhabitants will in a short time remove themselves and Effects to avoid such great Burthens and Services and the said Town be deserted

Wherefore your Petrs being the Major part of the Inhabitants of the said Town do with one voice humbly pray Your Honrs that the said Law may be repealed

And Your Petitioners shall ever pray &c.

Henry Peronneau. I. Mazyck. Leonard Dobbin. Saml Eveleigh
Barnabas Gilbert. John Simmons. Wm Scott. Peter Manigault
John Laurens. John Moore. John Bee. Wm Billing. Wm Crook
Benj. Massey. Henry Vernor. Robert Gilchrist. Wm Sherriff. Peter Villeseneuve
Nathl Maurice. Peter Taylor. Anthonie De Bordeaux. Solomon Legare
Jean Bonnethean. Abraham Le Sueur. Peter Villiers. Jo. Bonnet. Rd Rowe
Isaac Mazyck Junr. John Delaune. Timothy Bellamy. John Turner. John Breton
Elias Horsey. John McCay. Henry Bedon. Jonathon Druel. Pr Juvanggs
James Roulain. Pierre Faris. Stephen Dawson. Robert Lorey. John Brand
James Downs. George Lea. George Ducat. Francis Holmes Jr. John Ellis
John Boydon. Niel Haynes. Jno Fairchild. Jno Wright. Mark Olive
John his X mark Nutting. Jas Du Bois. Dor. Ric.d Mason. Jeremiah Milner. John Mellens
Thos Holton. William his X mark Brawley. John Milner. Walker Hislet. Thos his X mark Dee
Joseph Popson. John Stone. Sam Pottage. Jacob Ashton. Dun. Campbell
John Selleoss. Wm Tempest. John Carmichael. Jno Watson. Thomas Lockyer
John

John Grumball Thomas Jenkins Isacc Batson Edward Davis Edwd Clarke
Solo Tozer Joseph Moody Moses Wilson Jonathon Main Daniel Townsend
Nicholas Stevens I Holmes Daniel Fidling David Robinson Willm Neve
John his x mark Mitchell Edwd Porter Thos Fleming Richd Clark Junr Jos Messey
John Jefferds George Kiskel Francis Gracia Wm Watson Joel Pownsett Jr
John Fraser Alex Widdicom Alex Dancey Timothy Ward John Brand
Edward Rawlings Willm Cha Craft Joshua Maneurs Saml Coronneau J McKenzi
George Dandridge Rd Hanvelsey Chris Gillyard Jonas Pavilland Ed Seall
Jean Roc Ruchonet

Recd
Read } 30 May 1723

B P R O South Carolina B T vol 1.

A 78

Samuel Eveleighs Affidavit in relation to proving the Towns people were surprised into the Law.

Samuell Eveleigh of Charles Town Merchant came this day before me Thomas Sater Esq one of His Majesties Justices Assigned to keep the peace in Berkley County and made Oath on the Holy Evangelist of Almighty God that there being a Common Report spread abroad that Major William Blakeway came to Mr Robert Hume an Attorney whilst he was Imposing the Bill for Incorporating Charles Town Entituled An Act for the better Government of Charlestown & pressed him to hasten it. and that he had given it at the same time as the reason (to wit) that if it should come to the Knowledge of the Towns people they would petition against it and overthrow it or words to that effect. he the said Eveleigh meeting the said Hume in a public Tavern in Charles Town desired to be informed of the truth thereof and what passed on that occasion or Words to that effect whereupon the said Hume answered that the same was true and then repeated the same over again in publick Company Viz! that he the said Major Blakeway came to him the said Hume whilst he was Imposing the Bill for Incorporating Charles Town and pressed him of all Love or words to that effect to hasten it and that the said Major Blakeway then gave the said Hume for Reason to Wit that if it should come to the Knowledge of the Towns people they would petition against it

Sworn the 19th October 1722 — Sam Eveleigh

Before me Thomas Sater.

Rec'd Read } 30 May 1723.

B. P. R. O. South Carolina B. 2. Vol 1. circa — Mar 1723

A. 76 A List of Mens Names under the Command of Capt. Garratt Vanvelsie Taken the 5th day of August 1722 by James Matthews Clerk to said Company

1 John Shephard	21 Henry Laurence	41 Thos. Jenkins	61 John Milner
2 Joseph Morgan	22. James Warren	42 John Trumball	62 Joseph Massey
3. Solomon Foser	23 Thos Goring Sr.	43 Danl. Tidling	63 Thomas Heyley
4 Nicholas Haynes	24 Thos Goring Jr.	44 Henry Benden	64 Thomas Baker
5 Duncan Campbell	25 Walker Goring	45 Humph. Potter	65 William Watson
6 Alex.r Wood. A.	26 Alex.r Nisbett	46 John Smith A	66 Benjamin Massey
7 Elias Hancock	27 Walter Nisbett	47 Edw.d Vanvelsie	67 John Goodwin
8 Godfrey	28 Joseph Dobson	48 John Roushan	68 William Hailock
9 Stephen Hughes	29 Job Rothmahlen	49 John Roushanai	69 Henry Nelson
10 John Nicholson	30 Ben.a Godfrey	50 Jos. Davillere	70 John Tree or Baker
11 Peter Belohart S.	31 Ric.d Clerk Sr.	51 Jn.o Edmundson	71 Henry Parsons
12 John Watts S	32 Ric.d Clerk Jr.	52 James Sexon	72 Stepen Miller
13 Edw.d Goosberry	33 Ed.d Scull	53 Wm. Mackensay	73 George Duckett
14 John Caldham S	34 Wm. Beechley	54 Alex.r Steward	74 Jeremiah Millner
15 Thos. Stanyarne	35 Isaac Balloone	55 Sam.l Axton	75 Henry Bly
16 Wm. Pinckney B	36 John Stone	56 Wm. Fuller	76 John Millins
17 John Caywood	37 Jno. Holmes Jr.	57 Christo. Gilliand	77 John Sams
18 Gab.l Manigault	38 Wm. Sherriff	58 Jno Collinger	78 John Gissdale
19. John Boyden	39 Jas Balneaves	59 Jno Frasica	79 Thomas Cole
20 Sam.l Mansies	40 Scobonerage	60 Thos Houlton	80 Jacob Carter

81

81 Claus Yore	86 Thomas Jones	91 John Tippen	96 Wm Fairchild
82 Jos: Moody	87 Joseph Griffis	92 Jos. Dandford	97 Robt Moncrieff
83 Jno Ballenkne	88 Albert Demare	93 Sol^{n} Lagare Jr	98 Alex^{r} Denny
84 Jas Ballenkne	89 Henry Lewis	94 Sol^{n} Lagare Jr	99 Lewis Pentreau
85 John Rivers	90 Timothy Nops	95 Tho^{s} Dickson	100 Stephen Wood

Francis Garcia. Aaron Pickers

Alarm Men

1 Doct^{r} Hutchinson	7 Cyprian Southack	13 Alex^{r} Parris	19 Powell Haywood
2 Monce Harvey	8 Thomas Boulton	14 Jas Holmes Jr	20 Corne^{ls} Longhaire
3 Tho^{s} Lloyd	9 Anthony Mathews	15 John Ellis	21 Cap^{t} Jn^{o} Larock
4 Doct. Crooke	10 Andrew Allein	16 Ric^{d} Bucknall	22 Daniel Gale
5 Sam^{l} Eveleigh	11 John Ramsey	17 Jn^{o} Symmonds	23 Alex^{r} Kinlock
6 Robert Tradd	12 Daniel Green	18 Wm Lessivare	24 Jonathon Maine

Septimus Taylor of Charles Town in the prounci of South Carolina Gent came this day before me and made oath on the Holy Evangelist of Almighty God that on the Sixteenth day of this Instant October he did carefully compare and examine the above Muster Roll of Capt^{n} Gannet Danvelons Company in Charles Town with the originall Muster Roll and that the same is a true Copy

Septimus Taylor

Sworn 17th October 1722

Before me Rich^{d} Allein

Rec^{d} Read } 30 May 1723

B R R O South Carolina B 2 vol 1 circa May 1723

A 80

South Carolina Charles Town City 4 Augt 1722

A List of the Company under the Command of Capt Lucas Rotenburgh

Lucas Rotenburgh	Capt	John Lawrence	Serjeants
Robert Brewton	Lieut	Thomas Jenkins	
Jacob Mottee	Clerk	Henry Vernour	

1 John Boneteau	18 John Wright	35 John Smith Junr	52 John Mitchell
2 John Noa Rusharet	19 Hen. Perrineau Sr	36 Thomas Wigg	53 Mathurin Brigard
3 Joel Poinsett (Senr)	20 Hen. Perrineau Jr	37 Thomas Bee	54 William Norris
4 Joel Poinsett (Junr	21 Joshua Mariner	38 John Stevenson	55 John Carrion
5 Edwd Davis	22 Nathl Marriner	39 William Dick	56 Isaac Mazyck
6 Edwd Venvelzin	23 Edwd Marriner	40 Joyner Hall	57 Paul Mazyck
7 George Martin	24 Ricd Rowe	41 Moses Playey	58 James St Julian
8 Jonas Nutting	25 Peter Villepontoux	42 John Carmichael	59 Paul Douxsaint
9 Job Miggin	26 Eleazer Allen	43 James Ellis	60 John Halle
10 Jonn Daniel	27 Septimus Taylor	44 John Ellis	61 Isaac Chardon
11 John Levey	28 John Moore	45 Thomas Capers	62 Wm Yeomans
12 Moses Graves	29 Alexr Robinson	46 John Brand Senr	63 Peter Harris
13 danl Townsend	30 Edmund Porter	47 John Brand Junr	64 John Sallon
14 John Blundell	31 Robert Bayett	48 Timothy Ward	65 Childermus Croft
15 Chrisd Salastief	32 Ebenezer Peckham	49 James Jenoon	66 Stephen Beaden
16 George Hescoat	33 Joshua Lancaster	50 Ricd Noble	67 John Metringham
17 Peter Hill	34 Laurence Collett	51 Paul Dyart	68 Joseph Jones

69

69 Ebenezer Dick
70 Rob.t Gilleread
71 John Garner
72 Anth.y Rothevein
73 Timothy Bellamy
74 Benj.a Cottell
75 Jonathon Stock
76 Elisha Prioleau
77 John Breton
78 James Rowlang
79 Abraham Bond
80 Elias Doisin
81 Thos. Headington
82 Peter Labonta
83 Leonard Dobbin
84 William Tilly
85 Joseph Dopson
86 Nicholas Rullins
87 Mark Oliver
88 William Obralley
89 David Robinson
90 William Havell
91 James Davis
92 John Mc Cay
93 John Stead
94 John Jeffers
95 William Hales
96 Mathew Petty
97 ~~~~~
98 Peter Legere
99 James Beauneau
100 Jacob Aston
101 David Marley
102 Andrew Gray
103 John Mc Cocklin
104 George Leay
105 William Battle
106 Ric.d Splatt
107 Lochlin Gilleray
108 Sam.l Croford
109 Peter Taylor
110 Benj.a Dennis
111 Joseph Barry
112 Peter Maingault
113 Philip Gouran
114 Ant.y Bordoux
115 Wm. Forster
116 Ric.d Salius
117 Edward Wyatt
118 William Sherriff
119 Francis Gracia
120 Will.m Walker
121 Edw.d Rollins
122 John Cutler
123 Onshe Nick
124 Rob.t Wishart
125 Robert Hagen
126 John Brown
127 John Willis
128 Joseph White
129 Stephen Clifford
130 Dan.l Carteright
131 Rob.t Carteright
132 John Williams
133 James Hearn
134 John Watkins
135 John Pendarvis
136 Sam.l West
137 Char. Burnham
138 James Mc Cocklin
139 John Sadson

Alarm Men viz.t

1 Thomas Hepworth
2 Wm. Scott
3 Moses Wilson
4 Charles Hill
5 Jon.a Collins
6 Doc.r Thos. Lockyer
7 Will.m Blakeway
8 Robert Lowrey
9 Stephen Taveroon
10 Nicholas Stephens
Isaac Mazyck
12 Robert Hume
13 Doct.r Jno. Delaune
14 Tho.s Barton
15 Joseph Bragg
16 Doc.r Sam.l Sherlock
17 Will.m Wood
18 John Wallis
19 Will.m Billing
20 Tho.s Fleming

21 Lawrence Dennis	23 Doct.r Thomas Cooper	25 Nicholas Trott
22 Doct.r Nevill Kidwell	24 John Brown	26 John Crofts
	27 Richard Higg	

Septimus Taylor of Charles Town in the province of South Carolina Gent came this day before me Richard Allen Esq One of His Majestys Justices Assigned to keep the peace in Berkley County and made oath that on the sixteenth day of this Instant October he did carefully compare and examine the above Muster Rolls of Capt.n Lucas Stoutenburghs Company in Charles Town with the Originall Muster Roll with the said Lucas Stoutenburgh and that the same is a true copy

Sworn 17.th October 1722

before me

Rich.d Allein

Septimus Taylor

Rec.d
Read } 30 May 1723

B.P.R.O. South Carolina B.T. vol 1
A. 81

[May 1723]

Attested Copy of the Warrant of Commitment of Eleazor Allen

South Carolina

George by Grace of God of Great Britain France Ireland
King defender of the Faith &c.
To the Sheriff of Charles City and Cort

Attach Eleazor Allen so that you have him at our Court of Sessions holden at this present day before the Mayor or Dep.t Recorder and Aldermen of Charles City and port at the said City to answer as well for and concerning a certain Contempt offered to our said Court as for and concerning all such other affairs and things as shall be then and there offred against him and to doe and receive what our said Court shall then and there in that behalf Consider and have you then & there this writt Witness Thomas Nepworth Esq Deputy Recorder of Charles City and port at Charles City this third day of October the ninth year of His Majestys Reign Anno Dom 1722

Copy

Tho.s Nepworth Deputy Recorder

William Loughton Sheriff

Rec.d } 30 May 1723
Read }

B.P.R.O. South Carolina B.T. vol 1

A.82

[May 1723]

An Attested Copy of the Warrant of Distress on the goods and Chattels of Samuel Eveleigh.

South Carolina

George by the Grace of God of Great Britain France and Ireland King Defender of the Faith &ca

To the Sherriff of Charles City and Port

Whereas Samll Eveleigh being legally drawn by Ballot & Summoned to serve as a Grand Juryman at a Court of Sessions holden at Charles City the second day of this Instant October before the Mayor Depty Recorder and Aldermen of the said City and Port did appear at the said Court but in Contempt thereof refused to take the oath of a Grand Juryman for which Contempt the said Court assessed a Fine of Twenty pounds Currt Money on the Sd Samuel Eveleigh, as by the Record of the Sd Court appears These are therefore strictly to Charge & Command you that you forthwith Levy by distress & Sale of the goods & chattels of the said Saml Eveleigh the aforesaid sum of Twenty pounds. for his Fine aforesaid in manner aforesaid assessed. as also the sum of Three pounds for the Cost and Charges on that behalf Accrued. and for your so doing this shall be your sufficient Warrant. Witness Thomas Nepworth Esqr Deputy Recorder of the said City the tenth day of October Anno Domini 1722

Thomas Nepworth

A true Copy Examined

p William Loughton

Recd Read } 30 May 1723

B. P. R. O. South Carolina B. T. Vol 1

183

[May 1723]

To the Right Hon.e The Lords Comm.rs for Trade and Plantations

The Replication of Tra: Yonge Agent for South Carolina. to a Memorial of Rich.d Shelton Esq against an Act passed in the said province for the better Government of Charles Town.

The said Richard Shelton sets forth to your Lordships in the first & second paragraph of his Memorial that the said Act was past in a secret manner which appears by an Affidavit he says he has to prove that M.r Blakeway, Clerk of the Assembly, desired the Engrossing Clerk to do it with all secrecy and Expedition, for that if it was to come to the knowledge of any of the Towns people, they would petition against it &c.a

To this I take leave to answer that M.r Lloyd and myself were appointed Agents to Transact the affairs of that province in London in Sep.r 1721 and were by the 22.d Article of our Instructions directed to solicit His Maj.ty for leave to pass a Law to Incorporate Charles Town, as near as may be to the Charter of New Yorke. That in pursuance of this Instruction M.r Lloyd who arrived in England six Months before me, did apply to My Lord Carteret one of His Maj.ties principall Secretarys of State, for such leave, and as he informed me, was told by His Lordship that such an Act might be past which was past accordingly the June following, on M.r Lloyds writing to them my Lords answer.

By which it may appear very plainly to your Lordships that the said Act was no very great secret, since it was from Sept.r 1721 until June

June 1722 which is nine months in their Thoughts and as I am well informed above six months upon the Table of the Lower House of Assembly. during all which time the proper time to have petitioned against it (altho it was talked of all over the Country) there was no petition nor any of the Towns people made the least objection to the passing such an Act But Mr Shelton says it was past contrary to the Consent of the Inhabitants of the said Town. altho it was introduced by their own Representatives five persons of their own chusing out of Thirty six Members of the assembly in which election there was no Contest what remains to be answered in the said first paragraph viz: that the pets against this Act are the Major part of the Town + that they are so in Consideration of their Estates for that Twenty of them pay more Taxes than the Mayor. Aldermen and Common Council to this I humbly presume to offer an original Letter from the said Corporation Dated Aug: 16th 1722 which will give Your Lordships the greatest light into this affair. and I do not doubt fully satisfie Your Lordships that this whole complaint against the Corporation is only a Cavell stired up by some designing persons who are angry they were not placed in the Magistracy or on some such slight foundation

The third paragraph sets forth the several ways of Incorporating places and among others mention an Act of Parliament to be one but objects that that cannot be the case here wanting the Royal Assent. I do not know what is meant by the Royal Assent in this case. but I submit to your Lordships whether if this Act for Incorporating Charles Town be approved of by His Majty in Council it have not the Royal Assent as far as is necessary either to make that or any other Act made in any of the

the plantations by the Assemblys of those places and Ratified by the Govr who is his Majts Representative I say whether then it have not as much force, and be not as much binding on those people as an Act of Parliament passed in Great Brittain and to the end it may have such approbation it is layd before and submitted to Your Lordships

To the 4th Article that the Mayor and Common Council & Aldermen are in for their Lives &c I am very well informed they are so in New York Philadelphia and most if not all the Corporations in England, except London where the Common Council Men only are Elective annually

And as to the 5th objection that the French protestants are excluded ever being Freemen the act declares only such excluded who are not Naturalized, and such have always been excluded from acting in the Magistracy in any capacity as well there as in Great Britain nor can they be Freemen of London or I believe of any Corporation in England but the sons of many of them are Freemen Magistrates and of the Assembly as being born in His Majestys Dominions

The 6th Complaint is against the Multiplicity of Courts of which Mr Sheltons says there are fourteen yearly, six of the Mayors four of the pleas and four of the sessions This with humble submission cannot be called a Multiplicity of Courts if he was right in his Account for a Multiplicity of Courts is where there are many sorts of Jurisdictions This may rather be called a frequency of Courts which has very seldom been thought a Grievance but the Contrary, since it expedites and puts a quick end to Suits &c tho a Multiplicity of Courts may be a Grievance

because

because of the different proceedings in them. and appeals from their several Judgements Writts of Error &c But in Carolina there is only a Court of Pleas which is held in Charles Town four times in the year & two half yearly Sessions of Oyer and Terminer besides the Mayors Court which by the Law now in dispute is to be six times a Year and their Jurisdiction sett forth in the Act from whence there is an Appeal to the Chief court of pleas and from thence (by His Majtys Instructions) to the Governor and Council which brings me to answer the seventh Article of Mr Sheltons Objections viz.t

That the Incorporation have done some unwarrantable things which (as he setts forth) are expressly contrary to the Act which constitutes them. as the summoning Jurymen contrary to the forms of Law &c and therefore he desires the Law may be repealed & the Fines inflicted returned

To this I presume to say if they have so acted it does not at all affect the Act no more then if the King should be prayed to Dissolve his Commissions of the peace because some Justices have made an ill use of it The persons injured have their remedy at Law & the Acts which appoint the Balloting & Somonsing Jurys have directed a Penalty of Five Hundred pounds on any person or persons Judges Sheriffs or whatsoever who shall presume to Impanel or Summons a Jury otherwise than is by that Act directed or before they have taken an Oath as is therein sett down to observe that Law in every part

As to what Mr Shelton says that they were fined Twenty pounds each tho by their By Law then lately made the Fine was no more than Five pounds As I am an intire Stranger to that By Law as well as to any

of the

of the proceedings Mr Shelton mentions I cant say anything to it. only that I know by other Laws the Fine on a Jurors non attendance is five pounds proclamation Money to which Twenty pounds of the present Currency is less than an equivalent and I believe that may be the case here

To conclude I do not find any of Mr Sheltons objections in any ways relates to the Law itself (except that of its being done in private which I hope is sufficiently cleared up) but to the ill use that has been made of it which relating to Matters of Fact transacted there I am in no ways capacitated at present to answer. not being informed of any such Transactions. but take leave to reply to what Mr Shelton says as to the Forfeiture of the Charter of London. that thô the same was justly Judged to be forfeited for Imposing Tolls &c Yet they have still continued with their Charter & do still continue to Impose such Tolls: as do most of the Corporations in England And I must further take leave to inform your Lordships that the Toll in Charles Town so much complained of is not above four pence sterling for a Bullock and proportionable for other things in liew of which the people are fed with good & wholesome provisions instead of Carrion and the worst of Meats and a reasonable price weekly ascertained for them which could have been done no other way and therefore it is humbly hoped that thô your Lordships should find anything you think fitt to be amended in the Law you will rather send your directions to the Governor to have the same done than report against the Law itself after its having been in Force now above a yeare and that as to the Facts said to be done there and Complained of

a

a reasonable time may be allowed for having a true state of such proceedings transmitted in an Authentick manner from Carolina that the persons concerned may have an opperturnity of vindicating and doing Justice to themselves

Jras: Yonge

London May the 30th 1723

Rec^d
Read } 30 May 1723

B.P.R.O. South Carolina B.T. vol. 25. p. 163.

(31 May 1723.)

To Josiah Burchett, Esq^r

Sir,

Your Letter of 31^st Decem^r last, desiring Copies of two Acts passed in South Carolina, for the good Governm^t of Charles Town, and for ascertaining publick Officer's Fees, which were then with Mr West, one of His Majesty's Council at Law, and but lately return'd, having been laid before the Lords Com^rs for Trade and Plantations, their Lordsp^s have commanded me to transmit the s^d Copies to you, for y^r Information of the Lords Commiss^rs of the Admiralty.

I am &c

A. Popple

B. P. R. O. South Carolina B. T. Vol 1

A. 88 Rec.d 5 June 1723

To the Kings most excellent Majesty

The humble petition of the Merchants and several other persons Trading to and Concerned in your Majesty's Province of South Carolina

Sheweth That your petitioners have formerly humbly represented to Your Maj.ty the great hardships and abuses they did Labor under and the many losses they had then sustained upon the account of the paper Money that was then Constantly encreased in the province of South Carolina notwithstanding the many orders that were sent from Great Britain to prohibit y.e practice and y.e Instructions that were given (as your petitioners were informed) to the present Governor for remedying the same But your Petitioners have received constant and certain advices that the Assembly there do still Encrease the number of their Bills of Credit so that they now amount to one hundred and twenty thousand pounds

They have also laid an illegal duty upon all British Manufactures contrary and repugnant to the Laws of Great Britain all which arbitrary proceedings do Manifestly tend to the Inexpressible Loss and detriment of your petitioners, and must end in the Intire ruin of the Trade of all Your Majestys plantations where Bills of Credit are made a Lawful tender in payment of Debts and where there are such Burdensome Impositions

Your petitioners therefore humbly pray that Your Majesty would

be

be graciously pleased to issue out Your Royall orders to prevent the Currency of the additional paper money made since the arrival of the present Governor or any that may be made for the future and the rest of the Currency may be sunk by Degrees according to the severall Acts of Assembly made in that Province to that purpose and that no duties may be laid on any British Manufactory and that your Petitioners may be paid their Just debts either in the Comodityes of the Country at Reasonable rates or otherwise be relieved in such manner as to Your Majesty in Your Great Wisdom shall seem meet And the Petitioners as in duty bound shall ever pray &c.

Steph. Godin. John Lloyd. Jacob Satur. James Crane. John Le Plastrier
Ra: Noden. Thos Ritchett. James Alex. Courtonne. Dd Godin
Oliver Bradley. Tho: Shewell &Co. John Yaldwyn. Jos pace. Wm Livingstone
Ric.d Deuon. Josef. R. Hyam. Peter Devisene. Ralph Ashton. Wm Cupps
Widow Beaufils. Tho: Thomas. Noel Cossart. Nath. Robinson. Paul Gordon
Joseph Bragg. Fran Gourdon. Jn.o Crowley. Samuel Barrons. John King
Gid Sauberainne. John payne. Wm Cotsworth. Thomas Hyam. Jn.o Lynch
Sam: Buck.

At the Court at St. James's 31st May 1723

His Majesty having been moved upon this Petition is graciously pleased to refer the same to the Right Honorable The Lords Commissioners of Trade and plantations to consider thereof and report their opinion what His Majesty may fitly do therein whereupon His Majesty will declare his further pleasure

Carteret

Rec.d 5 June
Read 10 July } 1723

B.P.R.O. South Carolina Vol. 25 p. 164.

(19 June 1723.)

To their Excellencies the Lds. Justices

May it please your Excellencies

We have had the Opinion of Mr West one of His Majesty's Counsel at Law upon an Act lately passed in Carolina Entituled An Act for the good Government of Charles Town.

We have likewise examined into the Complaints made by Mr Shelton in behalf of several Inhabitants of Charles Town, against the said Act, and heard what could be offered in defence thereof by Mr Yonge Agent of Carolina, and having duly considered the same, are of Opinion

That this is a Law of a very Extraordinary nature, and consequently ought not to have been Assented to by His Majesty's Govr of South Carolina without a Clause to prevent the same from taking Effect till His Majesty's Pleasure thereupon should have been know, pursuant to His Majtys Instructions to all Govrs for their conduct in matters of this nature.

We are very doubtful whether it would be for the Benefit of Trade to incorporate this Town even

even in the Common Form of Incorporations, But the Corporation created by this Act is different from any other We have yet met with, and it is plain by the proceedings of the New Magistracy thereby erected, the Inhabitants have already been much oppressed.

Besides We are of Opinion, That Incorporations should take their Original Rise from the Bounty of the Crown, By his Majesty's Letters Patents, rather than from an Act of Assembly. Wherefore We would humbly propose to Your Excellencies that this Law may be repealed

Which is most humbly submitted

Westmorland
J. Chetwynd
M. Bladen
P. Docminique
J. Hobart

Whitehall
June 19th 1723

B. P. R. O. South Carolina. B.T. Vol 2. B.1.

(27th June 1723)

At the Council Chamber Whitehall the 27th day of June 1723

Present

Their Excellencys the Lords Justices in Council

Whereas by Commission Under the Great Seal of Great Britain, the Governor Council & Assembly of his Majestys Province of South Carolina, are authorized and Empowered to make Constitute and ordain Laws, Statutes and Ordinances for the Publick Peace welfare & Good Government of that Province, Which Laws Statutes and Ordinances, are to be as near as conveniently may be Agreeable to the Laws & Statutes of this Kingdom, And are to be transmitted to His Majesty for His Majestys Royal Approbation or Disallowance And Whereas in pursuance of the said Powers, An Act hath past in that Province and been transmitted, Intituled as follows, viz.t

An Act for the Government of Charles Town.

Which Act having been perused and Considered by the Lords Commissioners of Trade and Plantations and Mr. Shelton having been heard on the behalf of the Inhabitants of the said Town against the said Act and

also

also Mr Yonge Agent of Carolina in Support thereof
The said Lords Commissioners presented the same to this
Board with their humble Opinion that the said Act
ought to be Repealed:- Their Excell.ys the Lords Justices
in Councill this day taking the same into Consideration
are pleased to Declare their Disallowance of the said
Act, and pursuant to their Excellencys pleasure thereupon
the said Act is hereby Repealed Declared void and of
none Effect

A true Copy
Jas Vernon

Rec.d 20 Aug.st
Read Oct.r 2.d } 1723

B. P. R. O South Carolina B. T. Vol 2 B 17

Duplicate. Original Not received. Charles City & Port St Carolania July 1st 1723

May it please Yo Lordp

With this is the Duplicate of my Letter to Yo Lordp of the 23rd of May last which I hope Yo Lordp have or will Shortly Receive and that Yo Lordp will please to give leave to the Honble Francis Yonge Esqr and Mr Comissary Bull to give Yo Lordsp a full and Just Acct of all Our affairs

By this Opportunity I send to Mr Yonge Several Papers &c to lay before Yo Lordp and this is Designed (God willing) by Mr Daniel Green who hath Acted as Naval officer ever Since the Departure of William Hamerton Esqr he is a Gent of a very Good Character in all Respects and I think has Acted very well in the Place of Naval officer I Yo Lordp please to Order him he will give You a Just & full Acct of all our affairs in General but more particularly those concerning Trade and Navigation

I thank God We are all in Peace & quietness and have the Prospect of Good Crops both of Rice and Indian Corn &c

Mr Yonge will lay before Yo Hond what concerns his Mtys Garison of Fort King George &c as also

also the Spaniards of St Augustine &c

I am daily in hopes of Receiving his Majty Royal Lycence of going to Great Brittain for Six months and after I have receid it I Shall God willing make what Dispatch I can in Order to have the Honr of paying my Duty to Yr Lordps and personally Assuring Yr Lordps that I am with all Sincerity

Your Lordps Most Obligd Obdt Faithfull Humble Servt

Jr: Nicholson

Lords of Trade

Recd Febry 6th 1723/4

Read Octr 29 1724

B. P. R. O. South Carolina B. T. Vol. 25. p. 166.

(4 July 1723.)

To Charles Berkeley Esqr.

Sir,

I have laid your letter of the 15th of Novr last before My Lords Commissrs for Trade and Plantations who command me to return their thanks to the Commissrs of the Customs for the Extract of Col: Rhetts letter inclosed in yours with Observation on the Act said to be passed in Carolina for laying a duty on British Goods, and when the said Act shall come to their Lordships hands they will have a proper regard to Col: Rhetts Observations thereupon.

I am

Sir

Your most humble Servt

A. Popple

Whitehall
July 4th 1723

B.P.R.O. a + W.I. Vol. 18. p. 55.

Charles City and Port Jo. Carolina
July 1st 1723.

May it Please your Lordship

I herewith send your Lordship a Duplicate of my letter to you of the 23d May last and by this opperturnity I send to the Honble Francis Yonge Esqr Severl Papers &c which if your Lordship Please to give him leave he may waite upon your Lordship with them in Order to receive your Commands Concerning them therefore I will not presume to trouble your Lordship with repetition of those affairs I thank God we are in peace and quietness and a Prospect of good Crop both of Rice, Indian Corn &c Mr Yonge will lay before your Lordship what Concerns his Majesties Garrison Fort King George &c as likewise what Relates to the Spaniards of St Augustine.

This is designed God willing by Mr Daniel Gen a Gentn of a good Character in all respects who hath Officiated as Naval Officer since William Hamerton Esqr went from hence and I think hath behaved himselfe very well in that Office and if your Lordship Please to give him leave he can give you a just and

Lord Carteret

and full Account of all our Affairs in Generall but more Particularly concerning Trade and Navigation

I am now daily in hopes by Mr Willian Hammerton of receiving your Lordships Commands and that you have been Pleased to send by him his Majesties Royall Lycence for my going to Great Britain which I shall endeavour to do by the first safe Opportunity afterwards in Order (when Please God I arrive there) if your Lordship will be Pleased to give me leave to pay the Humblest of my Duty to your Lordship who am

Your Lordships most Obliged
Obedt Faithfull Humble Servt
Fr: Nicholson

B. P. R. O. South Carolina B. T. vol 1

A. 109

London July 10th 1723

To Alured Popple Esq.

Sir

The Gov.r of South Carolina having transmitted the Papers &c.a of which the underwritten is an account to be layd before the R.t Hon.ble the Lords Comm.rs for Trade and Plantations I take leave to send you the same for that purpose & am

Sir

Your most humble Servant

Tras. Yonge

An Act to Authorise the Gen.l Court in Charles Town
for reprinting the Paper Credit of the Province
for the better ordering and governing Negro Slaves
for continuing Francis Yonge Esq. Agent
To amend the Act for regulating the Indian Trade
for granting His Majesty a duty on Negroes &c.
for strengthning the Frontiers &c.a
for encouraging the making Hemp
additional Act to the County and precinct Court Act
to revive an Act for carrying on & finishing the Brick Church
an ordinance appointing two Country Trustees
Journals of the two houses from 6 Nov.r 1722 to 23 Feb.y 1722/3
Accounts of Indictments in Mar.r & Oct.r Sessions &c.a

Rec.d Read } 10 July 1723.

B.P.R.O. South Carolina Vol. 25. p. 170.

(18 July 1723.)

To General Nicholson

Sir,

Since Our Letter to you of the 5th July 1722, We have received yours of the 18th Augt., 16th Octor, and 14th Decemr last, and the Papers therein referred to, which We receiv'd from Mr Yonge, But must desire that for the future, You will send all Publick papers relating to the Administration of your Government, directly to Us, and that in your letters relating thereunto, You will be more full and explicit upon the several Subject-matters contained in such papers than you have hitherto been more especially in your Observations upon the Acts passed in your Assembly.

We approve very much of your transactions with the Commissioner sent by the Governour of St Augustine, and think you did very well to demand of him ample Restitution of all the Vessels taken by the Spaniards from his Majesty's Subjects, since the Cessation of Arms.

Having received Complaints against your Administration, We have ordered Copies of them to be delivered to your Agent, that he may communicate the

the same to you, for your Answer.

The Act for the good Goverament of Charles Town, being lyable to many objections. We laid ye same before their Excellencies the Lords Justices, for their Disallowance and they have repealed the same.

There are likewise so many complaints and such Objections against your Act for enlarging the Paper Credit, as will probably occasion a Repeal thereof; And We cannot help upon this Occasion, desiring you to be more punctual in observing His Majesty's Instructions whereby you are especially directed not to pass any Act of an extraordinary Nature, without there being a Clause inserted therein Suspending and deferring the Execution thereof till His Majesty's Pleasure shall be known concerning the same. We are

Your very loving friends
and humble Servants.

Whitehall
July 18th 1723

Westmorland
J Chetwynd
N Bladen
P Dominique

B.P.R.O. South Carolina B.T. Vol. 25. p. 175.

(26 July 1723.)

To their Excell.s the Lords Justices.

May it please your Excellencies,

Having had under our consideration two Acts passed in Carolina in 1721 and 1722. Entituled,

An Act for raising the sum of £17,248.0.6 on lands and Slaves for defraying the Charges of the several Forts and Garrisons, discharging the publick Debts and providing for the other Emergencies and contingent Charges of the Government.

An Act for the reprinting y.e present current Paper Bills of Credit and for printing the Additional sum of £40,000 in Bills of Credit for paying off the publick Debts, defraying the contingent Charges and other Emergencies of the Govern.mt to the 25.th day of Septem.r next.

and having heard the Complaints of several Merchants trading to that Province, against the proceedings of the Governor, Council and Assembly, in relation to the unjust & exorbitant increase of their Paper Credit whereby the Fair Traders have been in great part if not intirely defrauded of their just Debts due from the Planters

Planters there, and the Funds formerly established for sinking Bills of Credit issued during the Administration of the Lords Proprietors, have been diverted to purposes different from those for wch those Funds were granted, to ye Extinction of all publick Credit in that Province and to the great interruption of Commerce between the Merchants of Great Britain, and the Planters in Carolina; We would humbly propose to your Excellencies, that the said two Acts may be repealed, And that His Majesty's Govr of South Carolina may be forthwith enjoyned not to give his consent on any pretence whatsoever, to any Act for encreasing the Currency of Paper Credit, or for altering or diverting the Funds established by former Acts of Assembly there, for the gradual payment or Sinking of Bills of Credit or Rice Bills issu'd, before His Majesty was pleased to reassume the Governmt of the said Province into his own hands.

And further, that the said Govrnt be enjoyn'd to propose to the Assembly of Carolina to settle Effectual Funds for the Speedy Sinking & discharging of such Additional Bills of Credit as have been issued on pretence of the Acts abovementioned during his Administration.

We

We likewise think ourselves obliged upon this Occation to observe to your Excellencies, that the Govern^{r} in giving his content to the increase of this Paper Currency, has acted in direct Opposition to His Majesty's Instructions, whereby he was expressly directed, "not to pass any Act or Acts of unusual "and extraordinary Nature and Importance, wherein "His Majesty's Prerogative or the Property of his subjects "might be prejudiced, or the Trade or the Shipping "of this Kingdom any ways affected, without a "Clause inserted therein, Suspending and deferring "y^{e} Execution thereof until His Majesty's Pleasure should be known concerning y^{e} same.

Which is most humbly Submitted

Westmorland.
P. Dominique.
M. Bladen.
R. Plumer

Whitehall
July 26th 1723

B P R O South Carolina B T Vol 2 B 26

Copy Ocheese River July the 30th 1723

Sr

Altho I expect the boat daily I was not willing to omitt writing to you doubting you might not come in her your self to let you have the Satisfaction how Affairs Stands effected here I have between 14 & 15 hundred Weight of Leather I should a had three thousand & upwards for there was a great many come to me but I having not what they wanted you know what I mean they took all over to our Neighbour being Informed that our boat was but a little while gone down and theres was but a little way of coming back with enough of what they wanted I have in house 7 ffs of Stands beasides Remnants 5 peices of Plains 5 baggs and a halfe of Powder I have all the Guns but three the Kettles all but three a few knives dispose of every thing else Remaining as you left it as for Bullets and Powder the take away a pace but I hope it will not hole long so that I believe I shall have enough to Supply till the next bup after this which I expect is not farr off I have five Slave Indians which run from Carolina the Same Indians which brought

brought me his Ex.cy and H.onble Council Orders from Fort King George mett with them in the woods almost Starved one of them his Name is Cubell he belongs to Mr Seabrook he Speaks the Creek Tongue & is a Carpenter by Trade the other his Name is Cæsar and belongs to Mr Cattle he tells he can work at the Cooper Trade but is not quite Master of it, there was one Titus an Indian man with them belonging to Capt Story he came along with them within three days March of this place & they believed he was dead for he was Starved so much he was not able to walk and he told them he dye I sent an Indian after him to see if he could find him dead or alive the Indian is not returned as yet so I can give no farther Acct of him they say it was Mr Armstrongs Indian fellow & Mustee fellow perswaded them away and when they came to their appointed place where they was to meet Mr Armstrong's fellow told them they could not goe having not Provisions nor their necessarys ready for they was designed to goe by water in Mr Wilkins Periauga to St Augustine Cubill says he was afraid to turn back by reason he had Stole his Masters Gun the two Stands you forty Weight of Leather to the Indian which brought them to me they have been here

here a fortnight and you know it is Chargeable — finding them with Provisions at this place and having nothing for them to do they are very desireous you should buy them and had the Grant of their Masters already if ever wee mett with them they would sell them so the fellows sit down very easy upon the same & I do design to sett them down in the Periauga without failo if they Continue well I am very well in health I thank God & so is my Companion Alex.r hoping you and your Spouse and all your well wishes are the Same as for your Enemies their lying Invention in time will fall upon themselves as for the Enemy you left behind you that was W.m Ratt his days are finisht by the Sword & y.e Legacy he left to me and my Companion was betwen 20 & 30 Biskets Nine Pipes and Some Tobacco which after his Death we Eat and Smoked with great Satisfaction which is) all that offers at present from him that doth and shall ever faithfully Serve you or yours to the Extent of Power

John Koont

Give my Service to M.r Loughton, I desire the favour of him if fortune should force me into his Custody he will have a Charitable thought not to keep the Key turned two long upon me for in my present abode

I have

I have the Liberty of the enjoying a great deal of air wholesome food and very good water which is a great preservation of health

Remember me to my wife and Son and two Daughters I shall write to her when your boat returns, give my Service to Mr Boyden

Obhese River July 30th 1723

Sr

I Received from the Comander of Fort King the 17th Instant his Excy and his Majesties Honble Councills order that no further Lycence or renewall of Lycence to any Spader of Alatamaha River or past Adjacent till further Consideration of the Board I have Informed the Creek Indians of it & they are very Sorry for it they ask me the reason of it I told them all the reason I could give yr was by Information of Capt Gray that the Spaders which came to their Nation had told his Excellency the Govern that we Spaded with the Yamasees which they knew very well to the Contrary and it was a false Information they said the White Peoples Hearts was not good to tell lyes upon each other they

they told me they would not have me go away from this place for fear the Yamasees would molest me for they would not they knew very well that our Friend Indians was with us every day Casaba came the day after you departed from me and I gave him what you told me I should if he came for encouragement to keep his heart Strait to our Government and to follow the blow he had begun with our Enemy he told me I should never fear them for they must in a Short time be our Friends or else they would all be cutt off for he had a great many Indians Promist him to go with him against our Enemy and he would go as soon as his Excellency the Gov had sent his talk to him he had Severall Indians at this place promist him to goe home with him against the white Peoples Enemy he told them he had Powder and Bullett and Severall Guns which he would give them for Encouragement

To Mr John Bee in Charles City in South Carolina
with care Deliver from Ochese River These

Rect with Genl Nicholsons
Letter of 12th Octr 1720

Recd Decr 7th 1720
Read Octr 9th 1720

B P. R. O South Carolina B. T Vol 2 B18

Charles City and Port S. Carolina August 21st 1723

May it Please your Lordships

I did my selfe the Honr of writing to your Lordships the first of July last and at the same time wrote to Our Agent Mr Yonge and sent him the Account of our Affairs &c and I hope in God he hath laid them before your Lordships with this I transmitt the Duplicate of my said Letter to your Lordships and by this opperlunity I design to write to Mr Yonge and send him Copys Duplicates &c of my Letters Papers &c and I hope what he hath the Honour to lay before your Lordsps will not be disapproved of by your Lordships.

I have an Account that Complaints are made to your Lordships against an Act passed here to make this place of Charles City and Port a Corporation as likewise another for making and Emitting Bills

There have been and will now be sent Severall Authentick Papers &c concerning the said Acts so I will not here Presume to trouble your Lordships with the said Account but I beg leave to Assure your Lordships if I had not judged them to be for his Majesties Interest and Service I should not have Presumed

to Ratifie the said Laws all the favours that I beg in this Case and all others of the like Nature is that I may not be Censured or Condemned before I am heard that mine Accusers may be obliged to sign what they have to say against me and give Bond to answer me at Law I partly Guess who are the opposers of those two Laws and mine Accusers in other matters bijt Some of them are dissatisfied that his Majesty hath the Govern.t of this Country and others who find that their Smuggling and illegal Trade is like to be prevented Others who are much in Debt both in Great Brittain and here who joyn with the former to oversett the Govern.t in Order to have an Excuse for not paying their Debts but pretend they were ruined by such Overturn tho they themselves should be the Principall Cause of it or that there is any Govern.t at all unless they can be the Persons

I also am Petition.t to your Lordships for his Majties Hon.ble Council and Assembly that they may not be Censured or Condemned in this Case till they have answered the Accusations laid against them for by their Assistance I thank God I have been able to Govern this his Maj.ties Province according to my Commission and Instructions both which were formed by your Lordships

Lordships. the Assembly is Prorouged to the third of the next month but there having been a very great deal of Rain of late which have made great inland floods and I am afraid hath much Dammnified the Rice and Indian corn and the Hurricane time drawing nigh if the Assembly should meet on that day I believe it would be Prejudiciall to all the Members thereof I believe his Majties Honble Council will think it advisable farcher to Prorogue them till the 20th at which time I hope it will not be inconvenient for them to meet and sitt about a Week in Order Humbly to lay before your Lordships the State of both those Acts and for regulating Some Affairs which will be absolutely necessary to be done before their meeting Some time the latter end of October or November in Order to the Stating of Debts of the Province for by that time they will know whether the Eighty thousand Pounds in Bills now Printed will be Sufficient to pay of the old ones which wee are in hopes they will wee having already made three burnings of the Old ones amounting to about Twenty five thousand Pounds and People daily bring in their old Bills to Exchange for new ones.

the Two first Plates are Printed of and destroyed the third Plate being all Small Bills are not yet Compleate but

but the Persons employed in that Affair use all dili-
gence in the dispatch of the said Bills till throughly
finished

I am in daily hopes of receiving Lycence to go
for Great Brittain for Six Months and when Please God
I Arrive in London I shall do myselfe the Honour of
paying my Duty to Your Lordships and I hope I shall
be able to Satisfie your Lordships Concerning the said
Acts as likewise many other Affairs that your Lordships
shall think proper to be informed of so most heartily
begging your Lordships Pardon for this Prolix Letter I
beg leave to Assure your Lordships that I am with
all Sincerity

Your Lord^ps most Oblig^d Obed^t and
Humble Serv^t
Fr. Nicholson

Recd 27 Nov^r 1723
Read Oct^r 29^th 1724

N.B. A Copy of the above Letter will be found in B 17

B P R O. South Carolina B T vol 2 D 2

(27th August 1723)

At the Councill Chamber Whitehall the 27th day of August 1723

Present

Their Excellencies the Lords Justices in Councill

Whereas by Commission under the Great Seal of Great Britain, the Governor Councell and Assembly of His Majesty's Province of South Carolina, are Authorized and Empowered to make, Constitute and Ordain, Laws Statutes and Ordinances for the Publick peace welfare and good Government of the said Province, Which Laws, Statutes and Ordinances, are to be as neer as conveniently may be, Agreable to the Laws and Statutes of this Kingdome, And to be transmitted to His Majesty for His Royal Approbation or Disallowance, And Whereas in pursuance of the said Powers, Two Acts have past in the said Province in 1721 & 1722 And have been transmitted, Intitled as follows Viz.t

An Act for raising the Sum of Seventeen Thousand Two hundred Forty Eight pounds And Six pence on Lands and Slaves for Defraying the Charges of the Several Forts and Garrisons Discharging the Public Debts and providing for the other Emergencys and Contingent Charges of the Government.

An

An Act for the reprinting the present Current Paper Bills of Credit, and for Printing the Additional Sum of Forty Thousand Pounds in Bills of Credit for Paying off the Public Debts defraying the Contingent Charges and other Emergencies of the Government to the 25th day of Septr next.

Which Acts, together with a Representation from the Lords Commissioners for Trade and Plantations thereupon, having been Referred to a Committee of the Lords of His Majestys most Honble Privy Council. The said Lords of the Comittee this day presented the said Acts to this Board, with their Opinion that the same be Disallowed, Their Excellencies the Lords Justices in Council, taking the same into Consideration, are pleased to Declare their Disallowance of the said Acts, and pursuant to their Excellencies pleasure thereupon, the said Acts are hereby Repealed Declared void and of none Effect

True Copy
Jas Vernon

Recd 17th Dec.
Read 18th D } 1723

B. P. R. O. South Carolina B. T. Vol 2. B 3.

27th August 1723

At the Council Chamber Whitehall the
27th August 1723

Present

Their Excellencies the Lords Justices in Councill

Upon reading this day at the Board a Report from the Lords of the Committee of His Majestys Most Honourable Privy Councill upon Two Acts past in South Carolina in 1721 & 1722, by Francis Nicholson Esq. His Majestys Governor there, Intitled as follows viz.t.

'An Act for raising the Sum of Seventeen Thousand Two 'hundred & Forty Eight pounds and Sixpence on Lands & 'Slaves for Defraying the Charges of the Severall Forts 'and Garrisons Discharging the Publick Debts, and pro- 'viding for the other Emergencies and Contingent Charges 'of the Government

'An Act for reprinting the present Current paper Bills 'of Credit, and for Printing the additional Sum of Forty 'Thousand Pounds in Bills of Credit for paying off the 'Publick Debts Defraying the Contingent Charges and 'other Emergencies of the Government to the 25th day of 'Sept.r next

And the Lords of the Committee offering it as their Opinion that

that the said Acts should be Disapproved Their Excell.ys were this day pleased by their Order in Councill to Repeale the said Acts accordingly and the said Lords of the Committee further offering it as their Opinion, that a letter should be sent by their Excellencies the Lords Justices to His Majestys said Govern.r of South Carolina, Enjoyning him not to give his Consent on any pretence whatsoever, to any Act, for Encreasing the Currency of Paper Credit, or for altering or Diverting the Funds Established by former Acts of Assembly there, for the Graduall payment or Sinking of Bills of Credit or Price Bills issued before his Majesty peasumed the Government of the said Province into his own hands, and also Enjoyning him to propose to the Assembly of Carolina, to Settle Effectual Funds for the Speedy Sinking and Discharging of such Additional Bills of Credit as have been issued on pretence of the Acts aforementioned during his administration Their Excellencies the Lords Justices in Councill are pleased to approve thereof and to Order, as it is hereby Ordered, That such Letter as is proposed by the said Report, be sent to His Majestys said Governor of South Carolina and Charles Delafaye Esq.r Secretary to the Lords Justices, is to prepare the said Letter for their Excellencies

Excellencies Signature accordingly

True Copy

Jas Vernon

Recd 17th Decr
Read 18th Dr } 1723

B. P. R.O. South Carolina B T Vol 2 32 (Enclosure)
Copy

Beaufort August the 31st 1739

May it Please your Excellency

I Received your Excellencys Letter by Mr. Maxwell the 25th Instant and shall According to your Excellencys Order and desire send a Plan of the Fort with the Corses of the Banks of the River on the Front of the Fort and Should likewise a Plan of the whole Land for the Town but the Weather Still hot and Snakes not yett gone and not knowing the Quantity of Land allotted for the Town nor the Quantity each Lott should Contain having not yet seen the Law for the same have and shall forward the finishing the Houses and Conveniences in the Fort as soon as possible but am in great want of a Carpenter not having one man capable of doing the Carpenters work which hath Caused me the more Vexation and my own labour but hope to go through it in good time. I humbly beg your Excellency will grant me the liberty of coming down the later end of September which time I am to return my Journals and Muster Rools and shall be very nigh wanting Provisions and shall with more Conveniency bring the Plan of the Fort without the

Danger

Danger of being well which cannot be done by land or I should have brought it now in Order to have sent from here. I came from the Fort Wednesday the 28th Instant and intend without faile God willing to be up there again on Monday night or Tuesday by Land as I come I have no Strange News to send your Excellency all things being in indifferent good Order Severall of the men has been Sick but most of them well at present except the Serjt who is very ill yet but hopes of recovery

Your Excellencys most Humble
for his Majties Service & most Obedt Servant
to his Excellency Francis Wm Bellinger
Nicholson Esq Govr &c in
Charles City this

Recd 7th Decr 1720
Read 29th Octr 1720

B P R O South Carolina B T Vol 2 344

(5th September 1723)

By the Lords Justices

W Cant Argyll & Greenwich Roxburgh

Godolphin Cadogan R walpole

After our hearty Comendations Whereas You the Govr and the Council and Assembly of his Majties Province of South Carolina having passed two Acts, One Intituled an Act for raising the Sum of Seventeen Thousand Two hundred Forty Eight Pounds & Sixpence on Lands and Slaves for defraying the Charges of the Several Forts & Garrisons discharging the Publick Debt & providing for the other Emergencies and Contingent Charges of the Govermt And the other An Act for the reprinting the Present Current paper bills of Credit & for Printing the Additional Sum of Forty Thousand pounds in Bills of Credit for paying off the Publick debts defraying the Contingent Charges & Emergencies of the Govermt to the Twenty fifth day of Septembr next The said Acts being laid before us in his Majties Privy Council, We have thought fitt for diverse weighty Causes and Considerations to disallow & repeal the said Acts and to declare the same to be Void & of none Effect We have with the Advice of his Majties

Majties said Council further thought fitt to write this Letter to you Enjoyn'd You as we do hereby Enjoin require & direct You the said Govern'd not to give your Consent on any pretence whatsoever to any Act for increasing the Currency of paper Credit or for altering or diverting the Funds Established by former Acts of Assembly there for the Graduall paym't of Sinking of Bills of Credit or Rice Bills Issued before his Majesty reasumed the Government of the said Province into his own hands & also Enjoyning you as we do hereby Enjoyn require & direct You to propose to the Assembly of Carolina to Settle Effectual Funds for the Speedy Sinking & discharging of such Additional Bills of Credill as have been Issued on pretence of the Acts above Mentioned dureing Your Administration and so we bid You farewell Given at Whitehall the fifth day of September 1723 in the Tenth Year of his Majties Reign

By their Excell'cs Comand

Seal

h Delafaye

To Francis Nicholson Esq'r Capt Generall and Govern'r in Chief of his Majties Province of South Carolina in America or to the Comander in Chief of the said Province for the time being

Recd 10th Jan'y
Read 27th Octob'r no 37 &

Copy

B. P. R. O. South Carolina B.T. Vol 2 B 26. (Enclosure)
Copy

Sept.r 7th 1728

May it Please your Excellency

Being bound for the Pallachocolas in January last & our Pelliauge from Town meeting with bad Weather the Traders got the Start of me and seeing so many of them bound that way thought they would be over Supplyed I altered my Resolutions and sat forward for the Charekees where I arrived in February and found those People Extraordinary kind & courteous and continued Trading there untill the latter end of April and then sat forward for the Savana Town leaving some goods there to be disposed of by John Milburn and Arrived there about the tenth of May In the begining of July I sat out again for to see if my goods were disposed of and found that the best part of them was. I Packt my Skins and made the best of my way to Savanah Town and from thence to Charles City to renew my Lycence. I heard no news among those People but believe they are very hearty to the English only of an Encouragement they had with some French Indians the Upper Cherikees was going down a River in Canoes in Order to make a Hunt and mett with Some of the French Indians

coming

coming up and engaged with them for the Space of four hours and pouled them killed four of them and took most of their baggage amongst which was a small Paper book covered with Parchment with black Lines puled in it and every Seventh Line distinguished thus —3 which in my Opinion was given to Some Indians they had made a Christian of to know the Sabbath day and to keep an account how many days they was in their Journey every Line being Markt to the Number of Sixty four or five which I Suppose was the time they was a Coming I have no more news to Insert a present but am

Your Excellencys most Obedient
Humble Servt to Comand
Gregory Haines

To his Excellency Francis
Nicholson Esqr Capt Genll &
Govr in Cheife of his Majesties
Province of South Carolina

Recd 7th Decr 1715
Read 29th Octr 1716

B P R O South Carolina B T Vol 2 B21 (Enclosure)

Copy

Edisto September ye 17th 1723

May it please your Excellcy

Being now on my way to Fort Moore I take this Opportunity to Acquaint yr Excellcy of all Transactions since my last I writt yr Excellcy some time ago abt a runagado Yamasee named Istawhee that kept Sculking abt Port Royal & harboured by one Blakeway, how this Istowhee kept a Cannoe and ferried over from time to time Several of the out laying Pallacholas Indians under pretence of trading with one Wm Cullam thro the hands of Blakeway as I learnt from the said Indians that these Indians being formerly of Cherekeeleeches gang that killed Duall & his Company gave great Terror to the Inhabitants behaving themselves intolerable Insolent. that Understanding by Accident that Istowhee was at the said Blakeways in June last I ordered a Detachmt of the Scout & Cape Fear Indians to go thither & Apprehend him & if he made resistance to Shoot him, but Istowhee being upon the Watch Escaped but they Seized his Cannoe, Gun & other Clothing amo which was a Coat formerly worn by Blakeway & as the Indians say sold by him to them, I bound Blakeway over to the

the Sessions but for want of White Evidence could make nothing of it.

Istowehee Escaping thus I was Apprehensive he wd do Mischief before he gott off the Island therefore I made use of Gregory Sisome an Indian Trader to find him out, & promise him that if he wd Surrender himself & go along wth him to the Pallacholas that I would restore all his things to him again Except the Cannoe which I gave to the Cape Fear Indians wch after some daies he did & promissing faithfully never to Trouble ye Island more he had his things restored to him, & went wth Gregory to the Pallacholas. But on the Second day of this Instant ye Family living on Coll Parris Island came runing away Scared to Beaufort ye there were five Cannoes wth Indians put a Shore there & that they had Spoke to a Negroe Woman to goe away wth them I sent Capt Palmenter wth 10 men in two Cannoes to Apprehend ye Indians & bring them dead or alive he Sitting out in the Night Surpriyed them being only two men & two Women, one of which was Istowehee who Struggled a little before he quitted his Gun & having brought them up to Beaufort, I asked him wt he came for, he Answered that he came to hunt I asked

him

him whether he did not know that it was contrary to y^r Excell^y Orders for him to hunt am^g our Settlem^t he Answered y^t he had as much rig^t to the Land as Wee for Land was free as Air & Water to every body I told him this was now the fifeth time he gave this Trouble & he sho^d not give us this trouble any more upon w^ch I ordered his Gun w^th the other Indians to be broke before their faces upon w^ch Istowakee put up the Warr hoope & Sleped to take hold of me upon which I Ordered him to be Seiged & Fettered & hand Cuffed w^th Iron & put in the Marshalls Custody & having Ordered the same to the other Indian he pleaded hard & sayed he was innocent of any design y^t he never heard of any Orders ag^t his coming into the Settlem^t that Istowakee prevailed on him to help him to bring the Canoes to Port Royall to Ferry over some Indians to Trade y^t Istowakee told him y^t y^e White people sent for the Indians to Trade, that he w^d not come but that one Booth had carried away to the Value of 7^l buck Skines in goods w^ch he bought & paid for, & that Booth going from Allatamaha River Fork while he was out a hunting had Carryed his things away & that if had them he w^d never a come y^t he had Stayed

along

along time at the Pallachicolas waiting for them in vain that his Name was Oba-hee-chee of the Occhay Town of the Upper Creeks & ways related to Istowakee & his Country

Having Consulted wth Capt Woodward & ye rest of the Neighbours about this Matter I thought proper to release him & give him another Gun & Victualls & sent the Scout boat to put him & the two women over upon the Main wth a Letter for Capt Bellinger & Ordered the Indian to stay at the Pallachicolas untill Booth brought or send him his goods, as for Istowakee there is no pretence to release him for certainly he designed to do Mischief, & will certainly do it if he has his liberty for they gave out Espeakall an Indian named Wanie one of the same gang, that Chenekeleechee had three hats full of money from the Spaniards for the three Scalps by him brought to St Augustine, & tho' Chenekeleechee deserted from the Spaniards as well as them, yett they rest them again when they brought Negroes or Scalps.

I did design to go to Fort Moore by way of the Pallachicolas but as there was no Pilotes there to be had Except one of the four Indians yt were of this gang, I did not think it safe to put my-

self

self into their hands, but I design to return that way if I can gett any Chickesaws or Savanas to Pilote me downe thither

On Sryday the 13th Instant yr Scout boat went to Fort King George wth Mr Brailsford & Ensign Whitby & Carried three barrls of Rice which was left at Beaufort I hope they are Safely Arrived there the boat was very deep loaded & much incumbred as Soon as I return I design God willing to wait on your Excellcy who am Your Excellencys

Most Obedt & Most humble Servant

October 2d 1723 Jno Barnwell

In the Comons house of Assembly

read

Wm Blakeway C.D.C. In his Majtes Service

To His Excellcy Francis Nicholson Esqr Govr Capt Genll & Commander in Chief in & over his Majties Province of South Carolina & Vice Admiral of the same

These

Recd 7th Decr 1723

Read 29th Octr 1724

B. P. R. O. South Carolina B T Vol 2 B 26 (Enclosure)

Copy Fort Moore 7ber the 22d 1723

May it Please your Excellencys and Honours

As to the State and Condition of our Forts it is Intolerable good repair but will want Severall Planks to be removed in the Flankers that are decaying and New ones put in there place which will be done this Winter as also some New Pun Round the Fort. Our Houses are very much out of Repair ever Since the beating Rains last Winter we have built a New Guard House repaired the Corn House and are very busy in Spliting Clapboards & getting Clay to Repair the rest. Our Guns will all fire very well the two Brass peices which carry a two pound Shot are very good one of the four Swivall Guns has broke its Swivall the four Patteraroes have but one Chamber a peice which are not very good they all Carry a pound Shot but we have no Shot for any of the Guns Here are thirty five Muskets two of which are broke and Eight more rendred useless for defect in their locks four good Harquebusses thirteen Pistols two of which are broke & three more of no use two Coborn Morters twenty Eight Corhorn Shells filed. Here are Eighty pounds Weight of

of Gun Powder besides five Rounds for each Gun in Cartridges two hundred twenty four pounds of Bullets Including Seven hundred and Sixty Bullets in Partridge Baggs and thirty Catouch boxes filled with Cartridges

As for our Provisions wee have one Barrell of Flower left Capt. Plover Supplys us with meat till Xmas and our Corn is fit to eat of which I reckon wee shall have Enough to last us the Year Round the People Complain very much of their Allowance which is a pound and a Quarter of Flower and a pound of Beef p Day which I think too little for a Weeks allowance of meat will not last them above three or four days so that I beliue they are fourteen or fifteen days allowance in Arrears I want one Man at present to make up my Complim.t

I am with the greatest Respect
May it Please your Excellency & Hon.r
Your Excell.cy & Hon.r most Dutifull
Obed.t Serv.t
Jer.h Hunger

In the Comons House
of Assembly Oct.r the
2.d 1723 read
H Blakeway l.D.l.

Fort

Fort Moore y^be the 24^th 1723

May it Please your Excellency

Of your Excellencys letter of the Seventh Instant came to hand on the Twentyeth with the Order of the Hon^ble his Majesties Councel & herewith send an Account of the State and condition of this Garison As for the Petition of Peter Murry Thomas Orrach and M^r Sludders there is a great deal of what they say true they work the Same as the rest of the Men in Repairing the Garrison and have the Same allowance Coll^o Farris having recived as I remember 20 pence p day for to allow them as the rest of the Garrison tho' I think the allowance too little but hope it will be Augmented by the Generall Assembly If the Assembly think proper to give them their meet for their work it will not be much considering they help to mak up our compliment of Men they will have their Six pence Sterling clear they are indeed in Great want of Necessarys of which if they had acquainted me I should have given your Excellency an Account having frequently told them I would I sent for them all three to know what they Expected from your Excellency they insist upon having their Eight pence p day Sterling and they

they will find themselves in Cloths and every thing they wanted I told them I would acquaint your Excell.cy wh. what they said but that they must Submitt themselves to what your Excellency thought most proper for them. they are in pr.sent want each of them of a pair of Shoes Stockings and Winter Waistcoat and Breeches and Some Duffils for Gowns except Sludders who does not want a Waistcoat they likewise desire to know if your Excellency had any account of their things that were carried to Fort King George On the 19.th came the Talapooses and brought three Yamasee Scalps the Tookebatchee Capt told me that as soon as he got Home he sent for all the Headmen of the Upper Towns to come together and when they were mett he distributed the peices of broad Cloth your Excellency sent up p him to dispose on as he should think proper amongst them and then gave them your Excellencys talk telling them as they had received your Excellencys Cloth they could not but take y.r Ex.cy talk which they readily Consented to and went away Six days after against the Yamasees the Lower Creeks endeavouring to prevent them p making a false report that the Cherokees were discovered in the Woods the

Tookebatchee

Toucobatchee with Six more Head Warriours went thro all the Lower Towns and gave your Excellencys talk to every one of them while their bodys Marcht at Some distance in the Woods telling them if they would not take your Excellencys take but would joyn with the Yamasees they might for they were determ'd to see them or if they pleased they might kill them there but they had People enough not farr off to revenge their Deaths.

The Toucobatchee Capt. Complains that Thomas Jones the halfe Breed made him a lyer at the Cowetaws for telling the Cowetaws that there was no talk to kill the Yamasees which disturbed him very much the Lower Towns would have perswaded them not to go however they proceeded but the Yamasees having Notice of their coming fled so that they could meet with but a few of them the Lower Towns seeing the Talleposees resolute to kill the Yamasees and that they had dipt their hands in their blood have all taken your Excellencys talk and have gone out against them likewise some of the Stinking Lingue People and the Pallachocolas. the Tocobatchee Capt. further says that the French and Spaniards are very angry with Coll. Hastings and Cusebah the former giving out they will come with

abody

a body of men and lye them because they were the Occasion of the Warr against the Yamasees and Spaniards which Story the Spaniards had Insinuated to the French Your Excellency will have a fuller Account from the Tallapooses themselves & Mr Barton who comes down with them there is ten head men of ten of their Towns with Severall other Warriours and Attendence thirty in all of which the Dog King of the Oakfuskees is one a very bodd fellow and a hearty friend to the English they cant tell whether Colle Hasling is Arrived at the Cusitors they returning back thro the Wood I should be Extreemed obliged to your Excellency if your Excellency would be pleased to Grant me liberty to come down for a Month my wife being very ill when at the same time might have an Opperlunity of Satisfying the Gen.ll Assembly in any thing relating to the Garrison W.m Bateby who is a very Sensible ingenious Gentleman offering to Officiate in my Room with your Excellencys Approbation I most humbly Submitt my selfe to your Excellencys Opinion and am with the greatest difference May it Please your Excellency

In the Comons House of Assembly Oct.r the 2.d 1723 read

W.m Blakeway C.D.C.

Your Excellencys most Dutifull most Obed.t Serv.t

Gen.l Monger

Rec.d 1.st Dec.r 1723
Read 29.th oct.r 1724

B. P. R. O. South Carolina B.T. Vol 2 B 22

(5th October 1723)

South Carolina

By his Excellency Francis Nicholson Esq
Captain General & Governour in Chief in &
over His Majesties Province of South
Carolina & Vice Admiral of the Same

A Proclamation

Whereas I have rect from their Excellencys the Lords Justices the repeal of an Act lately passed in this Province Intituled an Act for the good Government of Charles Town baring date the 27th day of June Last, I have Therefore by and with the Advice and Consent of his Majties Honble Council, issued this my Proclamation, to give Notice of the same, hereby requiring and Comanding, all his Majestys Subjects within this Province to give due obedience thereunto, as they will Answer the Contrary at their Peril

Given under my hand & the great Seal of this his Majties Province the Fifth day of October in the Tenth Year of his Majties Reign Annoque Domini 1723

Fr. Nicholson

By his Excellcy Comand
Char: Hart Secry

God save the King

South

South Carolina

These are humbly to Certifye that on the Fifth day of this Instant Octob.r I rec.d from his Excellency the Gov.r One Proclamation for repealing the Act Intituled an Act for the better Government of Charles Town with the Copy of an Order from their Excell.cys the Lords Justices for the repealing the said Act both which I Published by beat of Drum &c as is Usual in Proclamations on the Twelfth hour of the same day and afterwards affixt them to the Watch house of the said Town Witness my hand this Eighth day of October 1723 in the Tenth Year of his Majties Reign

Wm Loughton P.M

Rec.d 27th Nov 1723
Read Oct.r 29th 1724

B P R O South Carolina B T Vol 2 B 19.

(October 8th 1723)

May it please Your Lordps.

His Excellcy Francis Nicholson Esq. Our Governour having been pleasd to Communicate to both Houses of Assembly a Paragraph of a Letter of Francis Yonge Esq. Our Agent of the 21st of July. Wherein he acquaints his Excellcy that Mr Shelton at a hearing before your Lordps concerning the Act for encreasing our paper Currency used many unjust invectives against the Inhabitants of this Province. As also an Extract of your Lordships Letter of the 18th of the same Month, Wherein your Lordps are pleasd to acquaint him that you have Orderd Copys of Complaints laid before your Lordship's against his Excellcy, to be given to Mr Yonge; which they having taken under their Consideration have directed us to Transmitt to Your Lordships their proceedings thereon, to obviate the Ill Effects of Privale Calumny and Sinister Insinuations, And to convince Your Lordps that whatever We have done has been intended for his Majesties Interest & Service and the Public good

We are with the greatest Deffference, May it please yr Lordps

Your Lordps, Most obdt and most humble Servts

Arthur Middleton P.
Ja. Moore Speakr

South Carolina Octbr 8th 1723
Read Feb 7th 1723
Read octobr 29th 1724

B. P. R. O South Carolina B. T. Vol 2 B 27

(1st October 1729)

The Publick Dr	£	s	D
To Cash paid out to Several persons of the £ 40 000 pounds recevd of the Commissioners for Signing the Bills as p the Estimate given me	3218	5	—
To Somuch in my hands to be paid to Mr Joseph Boone when his Majesties pleasure be Known	1500	—	—
To Somuch in my hands for Nicholas Trott Esqr on the Same Acct	1000	—	—
To Somuch in my hands for a Printer when he comes from Great Britain	1000	—	—
	£ 3568	5	—
Remaining in my hands	£ 4313	15	—
South Carolina Errors Excepted	£ 40000	—	—

The 8th October 1729

A. Parris Treasurer

The above Acct is a True

this Day Delivered his Excell.

A Parris

Read 4th Dec. 1729

Read Oct. 29th 1730

B. P. R. O. South Carolina B. T. Vol 2 B27 (Enclosure)

(1st Oct. 1729)

Pursuant to Your Excellencys Comands We the Commissrs Appointed by Act of Assembly for Reprinting the present Current Paper Bills of Credit &c do Report Viz.t

We have Stampt the Summ of £ 120000

Paid to the Treasurer £ 40,000.-.-

Exch.d for Old Bills & burnt £ 42,642. 10.-

Bills ready to be Exch.d £ 10,000.-.-

Bills remaining unfinish'd £ 27,357. 10.-

£ 120000.-.-

Hepworth

W. Houser

Per Contra	Cr.	£	s.	D.
By Sundry Bills receed from the Comissioners for Signing the paper Credit amounting to		40000.	—	—

Copy Examined by the Original
ency the Gover.r
Treasu.r

B P R O South Carolina B T Vol 2 B 31

South Carolina Charles Town Octo. 10th 1723

May it Please your Lordships

I have had the Honr. to receive Your Lordships Letter of the 11th of July & a Small Vessell Sailing this Morning I could not Omitt paying of my humblest Duty to Your Lordships & to Assure Your Lordships that all your Commands shall be Faithfully & Punctually Observed by me, and in Order thereto I am preparing papr &c to Transmitt to Your Lordships, but we are in Great Want of Clerks not only for drawing but Copying of Papr &c

I herewith humbly Transmitt to Your Lordships the Duplicate of my Letter of the 21st of Augt last which I hope in God your Lordships have gott by this time I pcd their Excellcies the Lords Justices Order for the repealing this Town Law which hath been done Accordingly & I herewth Transmitt to your Lordships what hath been done thereupon Here is a Ship which I Suppose will Sail in about two or three days & by her I hope God willing to send Your Lordships a Just and full Acct of all Our Affairs in the Interim. I begg leave to Assure Your Lordships that I am Your Lordships, Most Obliged Obdt & Faithfull Humble Servt

Jr Nicholson

Recd 27 Nov 1723
Read

RECORDS IN THE BRITISH PUBLIC RECORDS OFFICE RELATING TO SOUTH CAROLINA

VOL. 10

1723

CONTINUED

B. P. R. O. South Carolina B. T. Vol 2 B 23.

South Carolina Charles Town Octob.r 12.th 1723

May it please Yo.r Lord.p

I have lately had the Hon.r of Receiving Yo.r Lord.ps Letter of July y.e 18.th & am heartily Sorry to find by it that Yo.r Lord.p did not approve of my Sending Publick Papers to Our Agent M.r Yonge but I begg leave to assure Yo.r Lord.p that the reason of my doing so was that he knowing the affairs of this Country very well, he might give Yo.r Lord.p a just and full Acco.t of them.

I recd their Ex.cy the Lords Justices Order for y.e repeal of Charles Town Law and Accordingly it was done by Proclaimation and I herewith Send Yo.r Lord.p Copys
1 thereof with the Report of y.e Provost Marshall of his doing it. And when I pass any Acts here I shall According to Yo.r Lord.p Order Give my humble Opinion of them and herewith I transmitt to Yo.r Lord.p the Dup-
2 licate of my Letter to Yo.r Lord.p of y.e 21.st of Aug.t wherein I begg leave to be reffered concerning the Bill for this place as likewise that for Printing of Bills and that Yo.r Lord.p may See the State of that affair I
3 herewith Send Yo.r Lord.p my Acco.t of y.e said Bills Signed by Two of the Comiss.rs Appointed to Print them

them with Coll: Alexand: Parris Treasurer's Acct: con-
4 cerning the Forty Thousand Pounds with yt Clerk of
yt Councils Acct of what Orders were past at this
5 Last Meeting of the Assembly And I herewith Send Yo:
Lordp a Copy of what I said to the Assembly with
6 their Answer as likewise what I said to them for their
further Adjournt and the Clerks of Each House are
preparing Journalls of their Proceedings to be Sent to
Yo: Lordp but We are in Want of Good Clerks &c

7 I herewith Transmitt to Yo: Lordp Mr: Hamilton
his Lists of Ships &c of his last Quarter from June
8 as likewise his Acct of what Rice Pitch Tarr &c
have been Exported by which Yo: Lordp may See what
hath been Ship'd from hence Since my Time both
to Great Brittain and the Plantations as also what
Iron &c hath been Imported here from New England and
if that Trade be Suffered I suppose they will furnish
all this Continent belonging to yt English as likewise
the West Indies, for it is not Improbable they may
furnish the French and Spaniards in the West Indies
when they Trade with them, as likewise Maderas and
the Western Islands and the Logg Wood Cutters in
the Bays of Campeachea & Honduras

It is a very Great Satisfaction to me that
Yo:

Yo. Lordp Approve very much of Our Transactions with
the Comissiond Sent by the Govr of St Augustine and
9 10. 11. 12 I herewith Send Yo. Lordp the copys of Our Proceedings
with the Indians by which Yo. Lordp will please to
See what both the Spaniards & Frenah Indeavour to do
with the Indians to Our Great Prejudice

I also Send Yo. Lordp copys of Letters which
13 I had from Coll. Barnwell who I expect now every
Day in Order to have a further Accot of him both
concerning Fort King George Fort Moore and the Fort a
building at the Pallachucolas And with Coll. Barnwells
Letter is one or Two from Capt Monger Comandr of Fort
Moore And One from Capt. Bellinger Comandr of the
Pallachucolas with ye Copy of a Letter from Gregory
Hayns with the Copys of a Letter from John Wort
to Mr John Bee.

Yo. Lordp being pleased to write me that
Yo. Lordp had recd Complaints against my administra-
con and that Yo. Lordp have been pleased to Order
Copys of them to be delivered to Our Agent that he
might Communicate the Same to me for my Answer
for which I desire Yo. Lordp will be pleased to Accept
of my most Gratefull and hearty thanks

In my Letter to Yo. Lordp of Augt 21st I

presumed

presumed to write to Yo. Lordp. concerning any Complaints against me &c. And I am in hopes that through Yo. Lordp. Means I may have leave to goe for Great Brittain in Order to Clear my Selfe which I hope in God I may not only be able to do but likewise make it appear to Yo. Lordp. the Designs of Some Persons both in Great Brittain and here Against this his Mat. Government.

That what I have the Honr. now to write to Yo. Lordp. and Send You may not be disapproved of by Yo. Lordp. are the Hopes of him who is

Yo. Lordp. Most Obliged & Faithfull
Humble Servt.
Jn. Nicholson

Recd. 7th. Decr. 1723
Read 29th. Octr. 1724

N.B. A Copy of the above Letter will be found in B 20

B. P. R. O. South Carolina B. T. Vol 2 B 24

Charles Town Octob^r 12^th 1720

A List of what I sent to the Right Hon^ble the Lords Comiss^rs of Trade and Plantations

1 Copy of the repeal with the Proclamation & the Marshalls report

2 Duplicate of the Gov^r Letter to their Lordships of August 21

3 An Acco^t of the Bills signed by two of the Comiss^rs with

4 the Treasurers Acco^t Concerning the Forty Thousand pounds

5 The Clerk Council Acco^t of what Orders was past at this last meeting of the Assembly

6 The Govern^rs Speech to the Assembly & their Answer as likewise what the Gov^r said to them for their further Adjournm^t

7 M^r Hall^rs Hammerton List of Ships &^c of this last

8 Quarter from June with his Acco^t of rice Pitch & Tarr Exported since my Arrival.

9 Extracts from the Council journall relating to M^r Bee

10 Proceedings with the Chickesaw Indians

11 Resolves in Council on Indian Affairs

12 Proceedings with the Tallapoose Indians

Coll^o Barnwells Letter

Two Letters from Capt Monger

13 One Letter from Cap^t Bellinger

one

One Letter from Gregory Haines
One Letter from John Koort to Mr Bee
A Letter to their Lordships of the above Date with
a Duplicate of a Letter of the 10th with another
Letter to their Lordships of the 11th Instant by
Jr Nicholson

Recd 7th Decr 1723
Read 29th Octr 1724

B. P. R.O South Carolina B. T Vol 2 B 28

Proceedings in Council with the Chickasaw Indians and relating to Mr Bee & y^e Palapoose Indians

rec^d with Gen^l Nicholsons
letter of 12 Oct: 1723

Rec^d y^e Dec^r 1723
Read 29^th Oct: 1724

B P R O South Carolina B T Vol 2 B29

South Carolina Charles Town Octob^{r} 10th 1723

May it Please your Lordships

The above is a Duplicate to Your Lordships of the 10th Instant & by this Opportunity I send my Letter to Your Lordships of the 12th Instant with Several Papers &c

I thank God that now I have an Acc^{t} from all Parts of the Country that the they had very great raines the begining of Aug^{t} which made them fearfull of Spoiling their Rice Indian Corn &c that they have had now one of the best Harvest for Rice that they have known either for Quality or Quantity & its Supposed that Some Thousands of Barrells may be Shipt by the later End of the Year His Majties Hon^{ble} Council at their last Meeting of the Assembly sent to the Hon^{ble} Francis Yonge Our Agent some proceedings in the Assembly relating to the Printed Bills &c by which Your Lordships may please to See what their Opinion is Concerning M^{r} Shelton &c it Comonly Reported that his Employers here think that he hath done more than they Authorized him both Concerning the Town Laws & that for Printed Bills & Several of them with that they never had been Concerned in those

Affairs

Affairs for in my humble Opinion that those who Appeared against the said Bills, both here & in Great Brittain will be some of the first Sufferers, but when ever I shall receive their Excell.ys the Lords Justices Comands Concerning Printed Bills, it Shall as readily & Punctually be Obeyed by me as their Excellencys Orders was Concerning this Town Law so humbly begging Your Lordships Pardon for this I remain

Your Lordships Most Obliged Obed.t
Faithfull humble Serv.t
Jno Nicholson

P.S. As for Mr Sheltons reflections upon me I hope in God I shall make it Appear to Your Lordships that they are Malicious & One principal reason I Suppose is that I would not make him Agent for this his Majesties Province but I hope likewise to make it Appear to Your Lordships that I had some reasons that it should not be done by

J. N.

Lords of Trade

Rec.d Dec.r 7.th 1720
Read Oct.r 29.th 1724

B P R O. South Carolina B T. Vol 2 B 49

Charles Town Octob^{r} y^{e} 28th 1723

South Carolina Is^{s}

Oulatta, Emperor Brims's second Son, being arrived here, with

Istobucachee, a Warrior of the Pallachocolas

Chekillee, — a Warrior of the Cowetas

Tunefasse, — a Warrior of the Hitchetee Town

Toutcopagee, a beloved Man of the Euchees

Tuskeestanagee, a head Warrior of the Cowetas, wth other their attendants, to the number of 15 persons

Article 1st Oulatta in the presence of the other five before mencõned saith that John Musgrove, about three Moons past, told him that he heard that the Cowetas were to make the path bloody and that the said Oulatta had despised the English Talk, and scorned the Presents given them

2. That about five Moons agoe, the Beard King of the Cowetas told him, that he was looked upon in the Settlement, as an old Woman, and his Father likewise

3 Chekillee saith that Tochequeche about five Moons agoe, told him that he heard that all the trading Goods

goods that should be brought to the lower Towns of the Creeks, should be disposed of at the Cussitaw Town, and not else where

y Oulatta saith that his Father ordered him to come down to know the truth of such Reports, and accordingly he advised with the above mentioned Warriors who resolved to accompany him hither, for the same end, and to know the reason why

s Oulatta further saith that when he went from hence, he sent for all the Towns of the Upper and lower Creek, except the Albamas and Abekas, to come and hear the Talk he carried with him — The Abekas had told him that they had the Talk already; and the Albama King being dead, and not choosing another soon enough, they were not sent to Col: Hastings did not go up with him but came some time after him, and the beloved Men met and had the Talk given them by Col: Hastings, and the said Oulatta delivered to the Oakfuskee King the Commission that was sent for him by Oulatta in the presence of the rest of the beloved Men. But the Dog King, and some others whom he can't at present remember said that they did not hear the Talk; on which the said Oulatta replied, they must needs stop their

Ears

Ears then.

6. Oulatta saith that according to his Orders from His Excellency the Governour he sent to the Yamasees suing for peace and four of their beloved Men (Allamahaw, their King, and three others whose names he does not know) came to the Cowetas: whom he asked if they would partake of the peace and they seeming-ly to him imbraced it, and in the meantime Cussabaw and his Town fell on the Yamasees, unknown to him and killed one and took another Prisoner. After wch the said Oulatta saith he sent some of his Men, who catched a Yamasee Woman and brought her to ye Savana Town which is known to Ferriman and some other white Men, but his Men being long from liquor, got too great a dram & by neglect let her goe & in sending after her, could not recover her.

7 That they are informed the Cowetas should tell His Excellency that they would make the path bloody, which they utterly deny, and only said that as Cussabaw had broke out War, the Yamasees would make the path bloody; but for themselves they are ready to obey all the Commands of His Excellency and beloved Men faithfully

Creeks Talk October 28th 1723

his
Jehu I Barton
mark

memorandum

Memorandum. November ye 16th 1723 at a Comittee on Indian Affairs

Present

The Honble William Bull, William Gibbon } Esqrs of His Majtys council

John Lloyd, Andrew Allen, Thos Hepworth, William Wakes } Esqrs of the Comons House

Copy

Being met to consider of a proper answer to be made by His Excellency The Governour to Oulatta and the rest of the Creek Indians now in Charles Town

Resolved That the following Query be first answered by the said Oulatta & Comp

2. Whether you told the People of your Town the Governr Talk to You when you were here last and what did you tell them

The Govr Talk to Oulatta & ye Creek Indians

Oulatta: I have with my beloved Men considered yor Talk to me, since you came hither; and in answer to the same, I tell you I have had several more complaints against you and the lower Towns of your Nation, than what you mention in your Talk. I have been informed by Techequechee, Louichachee, Lowkophee & Offulquechee of the

the Cussitaw Town, that when they were coming down to me, they met you in your way home from hence, and that instead of your giving them the streight talk, you told them that some of the Captains of the white people were for knocking you on the head and that others said that twas better let you alone till you were a greater number; on which Techeque-chee returned with you, That on your getting home your Father caused a meeting of his beloved Men at his Cowpen, where you advised the Cussitaw Capt. and the rest of the beloved Men, to build Forts in the most proper places; and that you believed there would soon be a War with the English. Oulatchee of the Tokobatchee Town Etchaulawee of the Oakfuskee Town, and others of the Tallapoosee Nation informed me that Your Father told them, that you had been down already, and had received the English Talk and found it was rotten at the root & that you had no hope of any more friendship with us, upon which they answered Your Father, they would come down and know the truth themselves.

I sent to you and your people several times to inform the Yamasees, that We were willing to make Peace with them, and if not that You should fall upon

upon them: they being our Enemies, and consequently yours; which you promised to do but never did, as we expected; which We look upon as a confirmation of the truth of what hath been told me by Techequechee, Oulatchee, and others.

The said Oulatchee Hamico and the head Warriors of the Tocobatchee's told me that since your Father and You had stifled the Talk, he would go out against the Yamasees to whom you said that on his return you would treat him and his people as Enemies, and kill him, if he should kill the Yamasees, and that on his return through the Oakfuskee Town Your People threatned to put them to death, for breaking out with the Yamasees, among whom were some of your people; on which he brought his Men by that Town, and sent Eight Warriors to ask the reason why your people threatned them to ill treat the great headed Men on their return, for obeying the English Commands in going to War with the Yamasees.

Gillesaw told me that Chepacoffee went to Mobille where the French Governour told him he would raise 300 Men to take Cussabaw and Col: Hastings for making the breach with the Yamasees. That the Cowetas said to Gillesaw. you may go and kill the

Yamasees

Yamassees. & See what he would get by it; but for
Your People's parts you would kill none; and that
when he returned none of your Towns would give
him provisions; without taking it by force but that
Cussabaw's Town gave him provisions, and treated him
well. And now I tell you you must declare Your
selves, whether you are our friends or not, for I under-
stand some of Your people have promised the French
Governour to cause a great many of You to declare
against us; which is more than ever you did before,
or would now if your head Men did not countenance
it. By such proceedings, I judged you are weary of
Us your old friends, and desire new ones, and there-
fore Ordered that our Traders should dispose of their
goods amongst the Cussitaws (who by their actions
show that they desire to continue a friendship wth us
and not to go amongst the lower Towns, before I am
better satisfied that you are our friends, which can
never be as long as you suffer the french and Span-
iards to frequent Your Towns; for their coming is only
to tell you lyes, and insinuate that We design to
destroy your head Men, and many other things, to make
you Enemies to Us, who have been yr Fathers in
cloathing and protecting you, ever since Your fore
Fathers

Fathers
sought it; and to let You see we are willing still
to live in friendship, our Traders shall have liberty
to buy your fowls and other Provisions, for rifles,
as the French and Spaniards do; but not to sell you
our Cloth, till I am satisfied you have a greater
friendship for us, than the french but as the
Tallapooses and Cussitaws have shewn themselves friends
to us, we will supply them with what they want
so long as they continue to be so.

I heard You told Musgrove that I wanted
to ship you off, and not suffer you to return to
Yo^r Nation again which if you thought true, how
came you to venture to see me again.

Tho^s Hepworth William Gibbon
Will^m Yates Andrew Allen
John Lloyd

Joseph Cabella, belonging to Col^l Joseph^s Hastings
saith that about two Months ago, he being then in
the Cussetaw, heard from Cussabaw and Col^l Hastings
that the Coweta people, one of the lower Towns, took
from a Plantation between the Tallachela and Hitchita,
an old Indian Woman, then living and planting there,
and intended to burn her for a Witch; but Brims
and his people were for bringing her down to the

Governour

Governour, that they might have something for her because she was born a Yamasee. That when Col.r Hastings read the Talk to y.e Lower Towns, the People made a Laugh at it

Joseph his D Cabella mark

Novemb.r the 18.th 1723

Lower Towns that he heard the Speech read to

Coweta Town
Pallachola Town
Kitchela Town

Memorandum; Nov.r y.e 19.th 1723 at y.e old Church Oulatta's Answer to His Excell.cy Talk of Yesterday in presence, and with the advice of Chequille and Tuckestanagee

Tomico (or Our King)

We perceive many Divisions among those of our own Colour; and as for those you mention in your Talk that met us on the Road, We believed that they had something to say, which was not straight, not talking so freely wth us as at other times; but what we got from them was meerly by guessing. The first time I came down I perceived Your Talk, and on my return gave all the Towns both the Upper and Lower Creeks

Oulatchee

Oulatchee, on his coming down received your Talk & on his return hid it from me, on which and the several Storys that hath been told of me, I came down to receive yo^r Talk a second time; and my father hath sent with me two of the Chiefs of the heads of our Town, now present, to be Witnesses to what I say, and what Talk I receive and wt you told me Yesterday that other Indians informed you of I belive is streight, and that you have hid nothing from me. When I return I shall call the beloved Men together, to know the reason why such storys have been told of me & my people and then shall give them the streight Talk, I now receive, and shall endeavour to perswade them to continue their friendship to the English, but cannot force them. As for my own part I am for continuing the same as my father hath advised me and his beloved Men in case of his Death

John his I mark Barton

A Letter to Col.^o Hastings

Col.^o Hastings

Oulatta and several of his people have been down to know what was said against them by the Indians of the Upper Towns: and I send you herewith copies of the several talks that were had with

with them by which you will find they pretend to justify themselves

I desire you will inform me particularly how they receive this last Talk, and whether they will exert themselves against the Yamassees

The General Assembly sit the 2d of December next, and when you have made the necessary use of this Talk, I think it would be well if you can come down, to give them an account of your proceedings

November the 20th 1723

Approved by the Committee of both Houses. Your Loving Friend

William Gibbon
Andrew Allen
John Lloyd
Will Yates

May it please Your Excellency

Cussitaws 8ber 9th 1723

After I arrived at Fort Moore, stayed till some of the Cussitaws sent by Cussabaw came to me and delivered their Message as follows.

That Cussabaw had been to the Tallapooses, in order to get as many of them as he could, to joyn with him to goe against the Yamassees; but finding them of a quite contrary opinion then what they had promised me, he could not tell what to think

think of it, for they had laid a Scheme to go in a body, against the Charikees; wherefore he returned and resolved to stand Neuter, till I came up to him; for which reason he had sent them to see me safe up, and to bring with me the Ammunition which Yo^r Excellency had Ordered for that Town which occasioned me to stay till the arrival of Capt Glovers Perriauge which was a fortnight after, and then was obliged to leave the bullets not having an opportunity of carriage; but have sent for them now. I set out from Fort Moore the 17th of August in Company with Mr Thomas Dasall, who was very kind to me on the path, and arrived at the Cussitaws the 9th Sept^r very ill, as I am not much better to this inst^t having a violent pain in all my limbs, which occasions my not coming down, till I receive your further orders.

About Sixty Miles from the Nation I met about fifty or Sixty Warriors going out against the Charikees, and the head Man of them told me that now all the people of the lower Creeks was of one mind to be Enemies to the Yamasees, but I very much doubt it, for while I was down, I am told that Two of the Yamasee Kings was at the Cowetas

and

and gave the old Emperour a bagg of Spanish money: at my arrival I found that there had been a great deal of disturbance between the Traders & Indians which was occasioned chiefly by their bringing up too much Rum amongst them, and they not having Skins to purchase it, and by a false information made by the two Cussitaws that was down, concerning the prices of goods, which I convinced them of, at my arrival; however I found that the Traders that was ordered to the Cussitaws was dispersed, and got to the other Towns, and that only John Coleman and his people was at the Cussitaws, who as I am informed has been a chief Instrument of a great deal of the disturbance that happened, and I am very apt to believe part of it to be true; for he has made bold to take a Letter of mine from an Indian & break it open and detains it from me to show Your Excellency: and I had several Letters opened by some such persons, who makes it their business to ridiculate me to the Indians.

Now I shall inform what feats the Talapooses that are gone down to you has done: when they got home, they got the Towns together, and told their Talk which they had from Your Excellency and concluded

to raise a body to go against the Yamasees which they did but an Alarm happened, which caused a great many to return, however about two hundred went down as far as a Town called Ufawles, not far from the Yamasee Settlements, and hearing that the Yamasees had left their Towns and gone to St. Marks, they met with one Woman, and killed her, and cut her Scalp in several pieces, and return'd wch am informed they have carried to you; and those that are gone down with Oulatta is Cowetas, except one Euchee, and two from the Hechitees, who have done much another Exploit as the Tallapooses; for they have a Woman that was threatned for a Witch, to be killed, and so was given them to carry down

Now as to the Complaints that is sent or carried to Your Excellency, about Cussabaw's abusing the Traders, he says if he did, it was when he was drunk, and is very sorry for he never design'd, nor does not to do us any harm; but he believes the Cowetas sets the white people against him; He and Town gives Your Excellency thanks for their present. I have nothing more at present, but my humble service to you and your honble Council

I conclude Your Excellencys most humble

humble Servant to command

Theophilus Hastings

For His Majesty's especial Service; To His Excellency Francis Nicholson Esq Governour, Capt. General, and Admiral of South Carolina, in Charles City p Joseph Cabella.

So Carolina. The foregoing are true Copies, Examined and attested Dec. the 6th 1723 p.

Char: Hart Secry

Receed 15th Jan.y
Read 29th Oct.r 1724 } 1723/4

B. P. R. O. South Carolina B. T. Vol 2 Bus

Charles Town Novr ye 2d 1723

South Carolina

Copy

Outassatah King of the lower Charikees of the Town of Keewohee

Kureeroskee, a beloved Man of the said Town, commonly called Lord Chancellour

Skyagunstee of Tunisee in the upper Charikees in the room of the King Skyagunstee of Terrequa in ye upper Charikees.

They by Joseph Cooper, Interpreter, gave the following acct of the reasons of their coming into the Settlements

Outassatah & Kureeroskee of the lower Nation say; —

That as there hath happened several misunderstandings and differences among themselves and also between them and the White people, they are apprehensive the same hath reached the Settlements; and that it should not be represented to their disadvantage, they are come down to set the same streight.

The differences among themselves is occasioned by one of their people, named Konolisskee, who flatters himself that he hath the greatest right to be King — Notwithstanding

(notwithstanding His Excellency the Governour's commission to the said Outassatah) and does insinuate that the Talk carried up by ye. said Outassatah; is not the true talk, but endeavours to perswade several that he shall be made King; and saith that he will come down as soon as the said Outassatah returns.

The differences between them and the white people have been mostly on the account of one Hunt, an Indian Trader, of whom Outassatah saith he knows nothing, but by hear say; but refers the same to His Chancell.r Kuyeeroskee who was at the same Town (viz.t Chuchseecha) near the time the thing happened; and saith that the best accot he could get of that affair, was that according to the charge they have had from the white people, that they should be kind to their Traders, the said Hunt had gotten another man's wife (with his leave) to make his bread, and look after his House &c. for which he sometimes gave her a flap, and other small trifles, which made the other Women reflect upon her, and the said Hunt, as being too familiar; tho' her Husband was not aggrieved; but the Reflections of Women made the Indian Woman go to another Town, her Husband being then out a hunting, after which the young Men came to the said Hunt's house

to

to jeer him about his house-keepers leaving him, which angred the said Hunt, that he pushed some of them, on which arose a small scuffle, and a white Man coming parted them, and in y^e^ mean while an Indian Man going for Wood, with his hatchet in his hand hearing the scuffle, went in but not with an ill design, but in a jocking manner asked what was the matter and of any other matter of consequence they do not say.

Skiagunstee of Tunisee, Skiagunstee of Terrequa, say

That their King Sairreroskee of Tunnessee sent them down to inform His Excell^cy^ the Govern^r^ that several differences happen between the Traders and them about y^e^ value and price of goods, and that they having heard that His Excell^cy^ has been pleased to say the goods were not the Governments but the Traders with whom they must agree, as well as they can: which they want to know the truth of, and whither a settled price cannot be stated betwixt them, and certain weights and measures agreed on

Joseph Cotper

Extracts from the Journal of proceedings in the upper House of Assembly 7^th^ and 8^th^ of November 1728 [These are not copied as they will be found entered in the Council Journals]

Recd 15^th^ Jan^y^ } 1729/30
Read 29^th^ Oct^br^ 1730 }

The foregoing are true copies examd and attested December the 6^th^ 1729 P Chas Hart Sec^ry^

B.P.R.O. A+H.I. Vol. 18. p. 56.

Charles Town So Carolina Novr
ye 12th 1723.

May it please yor Lordp

This is designed (God willing) by ye Honble
Colle Robert Johnson who is so very well known to
yor Lordp that it would be an high presumpton in
me to give yor Lordp any accot of his Character.

I suppose he will do himself the Honor of
Paying his Duty to yor Lordp and give yor Lordp a
full and just Accot of all our Affairs.

According to my Duty I formerly presumed
to give yor Lordp an Accot of this Country with my
humble Opinion concerning some affairs which
relates to yor Lordp as Palatine + others the Rt Honble
the Lords Propriet[rs] to which I humbly begg yor
Lordp will please to be referred.

I am heartily sorry to find that yor Lordp
were not pleased that I should have his Maty
Royall Leave to goe for Great Brittain for Six months
but now Colle Johnson goes for Great Britain (where
I hope he will arrive safe) I hope yor Lordp will
be pleased that that Lycence may be Granted me
and when Please God I arive in London I shall
not

not fail of Paying my Duty to Yor Lordp and if you don't think Proper of my returning hither I shall do as Yor Lordp shall please to Order him who begg leave to assure Yor Lordp that I am with all Sincerity

May it please Yor Lordp
Yor Lordps Most Obliged Obedt
and Faithfull humble Servt
Fr: Nicholson.

P. S.

I have just now writ to ye Rt Honble ye Lords Comissrs for Trade + Plantations + Mr Yonge will wait upon Yor Lordp in Order to give Yor Lordp an Accot of Our affairs being so writt to by

F: N:

B P R O South Carolina B T Vol 2 330.

Dupliate
Orig[l] not Recie[d]

South Carolina Charles Town Nov[r] 12[th] 1723

May it Please your Lordships

I herewith Transmitt to your Lord[ps] Duplicates of my Letters to your Lordships of the 10[th] & 10[th] of last Month & I herewith send Your Lordships the Journals of Upper & Lower House of Assembly between the first & fifth of the last Month with w[ch] I said to the Assembly y[e] 7[th] Instant & the Answer of the Commons House of Assembly

We having not rec[d] their Excell[cy] the Lords Justices repeal of the pap[r] money Law they desired to Adjourn from Saturday Ninth til to Morrow being Wednesday & I herew[th] send your Lord[ps] a Copy of What M[r] Boltmahler says about that Affair Having not seen the Copy of the Petition to Your Lordships about the said Bills I will not p[r]sume to say much concerning them but upon the report of their being to be destroyed the people are very much Alarmed And all Trade in danger of being Stopt, even some of the few discontented psons here against his Majties Govern[mt] are concerned ab[t] the repeal and say that those they Employed in England went beyond their Comission & his reported here that

that they raised Five & Twenty hundred pounds of this Country money to be sent to their Agents in England a Principal part of which I suppose Esq. Shelton hath gott and then it may be that it will Appear that he's the cheat & not I 'tis supposed that amongst the Laws I have past here he is (in his heart) the most against the first three Viz. for recogniging his Majty King George the Tranquillity Act & the Tax Act which were in Order to Establish his Majties most Just Title and Sovereignity of this his Province & to Keep it in peace & Quietness which his the said Sheltons few Factions Correspondants here would Endeavour all they could to Oppose And they have Lately Endeavoured to gett this Assembly dissolved in Order to put the Country into Confusion but as they have hitherto failed in their Wicked and Malicious designes so I hope for God they will Always be disappointed and receive no Countenance in Great Brittain.

Here is an Accot that one Mr Stephen Goddin (as report goes lately Compounded for five Shillings in the pound) who reports he hath Several Thousand pounds Owing to him in this Country (the much of which is much Questioned, and that his Brother Benj. Goddin & Mr. Benj. De la Conseillere here and his Correspondents if he

he is wronged it must be by them. this person they say was one of the Principal Opposers of the money Bills likewise one Jacob Satur who setts up for a very great Merchant but his Contrary Character is very well known here as likewise his Brother who they say owes more than he is Worth and if Jacob hath any Estate he hath gotten it here for when he came he was very Poor and tis much Wondred at here that the Man should pretend to sett up for a Statesman and to give Acco.t of this his Majties Province & all this of a Suddain when his Weak Abilitys are so well known here but its Supposed the Man hath Entred into Partnership with few of the discontented and Factious here.

My Lords

I return your Lordships my most Dutifull thanks for letting Mr. Yonge have a Copy of the Bahama Comp.a Memorial to your Lordships and if I have Acted Arbitrarily or Illegally with Submission I think I ought to be tryed at the Kings Bench Barr where I hope by the Divine Assistance not only to be able to Clear my self but also to make it Appear how the Bahama Company have been imposed on & if the s.d Comp.a have Employed Knaves & Fooles both in Great

Brittain

Brittain & the Islands I hope I am not to make them Reparation for those mens villany If they have procured any Affidavits agt me they were taken Exparte Especially those here What I did in those Affairs I thought my self Obliged to by the Oath I took to see the Acts of Trade & Navigation put in Suit And I hope that Company (tho never so great) cant Expect that I should forswear myself for them. It is reported that one Esqr Samll Buck makes it his buisness to goe up & down in Coffee Houses to Exclaim against my proceedings &c but I have heard that his Character is not so great in the City of London where he lives as to be made an Alderman & it is reported that once there was a Statute of Bankrupt against him.

I think I know some reasons why he should Endeavour to gett me turned out of my Governmt but am sure that no person living could have Lawfully done more than I have for the Security of the Bahama Islands knowing what great Interest it is to Great Brittain And to all his Majties Dominions in America to have those Islands well Peopled and Secured by Fortifications &c And a Lawfull Trade managed there why does not Mr Buck charge me with all the loss they have meet with

with in these Islands both with respect to Vessells & Trade sometime or other I may Chance to sett the Affairs of the Bahama Compa in a true light and then lett all the World Judge who are the true Friends to the Legall Trade of Great Brittain & who are the Actrs & Encouragers of the Contrary.

I am now most humbly to begg Your Lordships Pardon for this Prolix Letter & to Assure Your Lordships that I am with all Sincerity

Your Lordps
Most Obliged Obedt &
Faithfull humble Servt
Fr Nicholson

I herewith send Your Lordships Alexander Parr[y]s Esqr Treasurer his further Acct of Disbursments since the last I sent Your Lordps & humbly begg that Your Lordships will please to give me leave to remain to your Lordships that I was Sworne out of my Governmt of Virginia by some perjured psons And lyed out of that Nova Scotia both which I am able to prove when a fitt Opportunity p[re]sents & I find that for the like Wicked Methods some psons have Endeavourld to Turn me out of this which

which if they should prevail to do I hope in God I shall not be debarred ye benefits of the Laws of my Native Country to prove the Innocency of

J. N.

Recd Jany 8th 1723/4
Read Octbr 29th 1724

P. R. O. South Carolina B. T Vol 2 B 31

(November 12th 1723)

A List of Papers sent to the Lords of Trade Novr the 12th with a Letter

1 & 2 Duplicates of Letters to their Lordsps of the 10th and 11th October 1723

3 & 4 Journals of the Upper and Lower House of Assembly from the 1st to the 5th of October 1723

5 Copy Govr Speech to the Assembly Novr the 7th with the Comons answer

6 Copy of what Mr Jos Rothmahler said here relating to the Repeal of the money Bill

7 Duplicate of the Proclamation on the Lords Justices Order for Repeal of Charles City Act Number 1 in Letter 10th October 1723

8 Account of Bills Stampt Number 3 in Lettr Oct 10th the Govr Speech of October the 2d 1723 and the Comons Answers No 6 in Letter Oct: 10th

9

10 Coll: Harris's Account of the 40 000 Pounds No (4) in Oct: 10th with his further Account theron

11 Dupt the Naval Offices Account of Rice Pitch & Tarr

12 Duplicate the Clerk of the Councils List of Orders past in October No (5) in Letter 11th Oct:

Recd 27th Jany 1723/4
Read 29th Octr 1724

Jr Nicholson
Nov 12th 1723

B. P. R.O. South Carolina B.T. Vol 2 B 32

(7th November 1723).

Copies of two Speeches of the Govr to ye Assembly in Octo: and Novr 1723

recd with Genl Nicholsons letter of 12th Novr 1723

Recd 27th Janry 1723/4

Read 29th Octobr 1724

B P R O. South Carolina B.T Vol 2 B 37

(15th November 1723)

A List of Papers sent to the Lords of Trade in a Letter Novemb[r] 15th 1723

1. a Duplicate of a Letter Nov[r] y[e] 12th 1723
2. a List of Papers sent Novem[r] 12th
3. a Duplicate of Alexander Parris Additional Acco[t]
4. Gov[r] Do[s] Speech to the Commons house & their Answer
5. Copy Mr Jos Rothmahlers Acco[t] of the repeal of the money Bill
6. Adjournment of the Commons house with y[e] reasons

Jr Nicholson

Receed 8th Jan[y] } 1724
Read 29th Octob[r] } 1724

B. P. R. O South Carolina B. T. Vol 2 B 39

May it please Yor Exy Copy

Being at the Carolina Coffee House about the 28th of Septembr last before Change Time Jacob Satur come there and pulling a Paper Out of his Pocket directed himself to Some Gentlemen who I dont remember & red the Same wch I understood both by the contents and the Discourse that happened thereon was a Repeal of the last Money Bill passed in this Province then directing himself to me Smiled and Said this will goe over in the Vessel with you

Wensday yr 2d 7br 1723 about 11 öch Clock at night left the City

Sailed through the Downs Monday Morning 7th yr 2d 1723 where was delivered to us by the Post Office Boat Some Letters I think directed to John Lloyd Esqr

Tuesday the 3d 7br about 4 öch Clock afternoon Sailed out by the Needles —

I am

Yor Exy Obedt Servt
Jo. Rothmahler

Recd 6th Jany } 1724
Read 29th Octob 1724

B. P. R. O South Carolina B.T. Vol 2 3 4o

(15th November 1723)

May it please Yor Ex.cy

His House finding that they have not now before them any Buisness of Great Consequence And that it is not proper to Proceed on any more untill the Repeal Comes or we have reason to believe it is Stopt We desire leave of Yor Ex.cy to Adjourn untill Munday yr 2d Day of Decembr next

Ja Moore Speakr

Novr the 15th 1723

In Council Novr yr 15th 1723
read and Approved for the reasons within mentioned

Jr Nicholson

Jr Middleton P.

Copy Test Jr Sunley Clk Con

Recd 8th Jan.y
Read 29th Octob.r } 1723/4
1724

B. P. R.O. South Carolina B.T. Vol 2 P. 62.

(15th November 1723)

May it Please Your Lordps

It is with great Concern that We have been informed from Mr. Yonge Our Agent in Great Britain that the Bill for Recoining the paper Currency in this Province is repeal'd, by Reason of a Memorial or Petition exhibited by Several Persons and a Representation of your Lordships to their Excellcys the Lords of the Regency thereupon; by which We find that an intire Stop will be put to the whole Currency of this Province, this will prove of the greatest disadvantage imaginable to this Country and will be of the Worst Consequence to Trade, and throw us into the utmost Confusion, and Our greater Misfortune is that such a Repeal must be grounded on Representations of Persons in Great Britain, who cannot be acquainted with the Necessitys and Emergencys of Government, which have occasioned the Stamping of those Bills; and at first View, and without due Consideration, have represented against a paper Currency; Whereas had We had the good Fortune to be further heard by Your Lordships, to Justify Our Conduct, and proceedings in the Stamping such Bills of Credit We make no doubt but in Your Lordps Opinion We should not have been blameable, and the Repeal had

never

never happned, as We firmly believe We could convince Your Lordps that those Bills are of worse consequence to the Planting Interest of this Province than to the Merchants in Great Britain, & in this Province, but if such a Repeal has past their Excellencys the Lords Justices We humbly intreat Your Lordships, to become Intercessors for us to his Majesty, that that affair may once again be taken into Consideration, and that the Repeal may be made void, and We shall take Effectual care to pass such Laws, as Shall Sink those Bills in proper time, and put the Currency upon such a footing, as Shall not be disagreable to the Trading Interest in Great Britain, was Your Lordps perfectly acquainted with the State of this Province, and the manifold Misfortunes that must attend such a Repeal, We cannot doubt but out of your wonted Justice to his Majesties Plantations, Your Lordps would certainly espouse this Unfortunate Colony

We are further informed by our sd Agent that application is making, that all Debts contracted in the American Plantations, shall be paid in Proclamation Money, this Step would inevitably Ruin the Province and would much more Affect us than any Plantation in his Majtys Territorys, since we are under the Misfortune

Misfortune to give Vast advance upon the Merch.ts goods, as sometimes 900 & sometimes 1000 p.Ct advance upon the prime Cost, and if those Debts were to be paid in Proclamation money, the whole Estates of such Persons in Debt would not Satisfy their Creditors, We are under no Surprize that the Merchants in London should endeavour to procure such an Order, since their Estates must be greatly increasd altho' it be at y.e Expence and Ruin of many poor Familys. here We beg leave to observe to your Lordships that their application for this unhappy Repeal is a preparatory Introduction to such a Destructive Order, and We hope will induce Your Lord.ps as We have before begd to resume the Consideration of that Matter & to weigh the Misfortunes that must attend it.

We cannot omitt acquainting Your Lordships that a Repeal of the Plantations Laws may be of fatal Consequences to such Colonys as fall under that Misfortune, without being first heard, therefore if We could Merill so great a Favour of your Lord.ps as to be allowed to give Our Reason for passing such Laws before any Repeal passes, We should be highly indebted to Your Lord.ps Justice & Goodness

and

and We shall never pass any that We Judge shall be prejudicial to Trade in General, to the Interest of Great Britain or to Private Persons, It is undoubtedly the right of every English Subject to Complain when ever he finds himself agrieved, and could be favour'd with the names of the Complainants. We should be enabled to informe Your Lord^p^ whether those Persons have any Reason for such Complaint

We are with Great Submission

May it Please Y^r^ Lord^p^

South Carolina — Your Lord^p^

November 15^th^ 1723 — Most Obed^t^ & most humble Serv^ts^

By Order of Council in Assembly — Ma: Middleton P.

In the Lower house of Assembly — Ja: Moore Speaker

Recvd Feb^y^ y^e^ 6^th^ 1723/4

Read Octob^r^ 29^th^ 1724

B. P. R. O. South Carolina B T Vol 2 B36

Charles Town S. Carolina Nov. y. 15th 1723

May it please Yo. Lordp.

The Ships not being Yet Sailed I herewith Send Yo. Lordp. a Duplicate of mine to You of the 12th Instant with the List of Papers I sent to Yo. Lordp. and the Duplicate of Alexand. Parris Publick Receiver's Additional Acco. with a Duplicate of what I said to the Comons House of Assembly and their Answer to me wch I also herewith Send Yo. Lordp. a Duplicate of Mr. Jos Rothmahlers Acco. concerning y. Repeal of the Money Act; this affair hath very much Alarmed the whole Country because of the various Reports of the Repeal of the Said Act as Yo. Lordp. may please to See by the Resolves of y. Comons House of Assembly to which his Mas. Hon.ble Council Assented and they desired to be Adjourned to y. 2d Day of Decemb. next to which I consented, for till please God We have a Certainty about this Law the Assembly can not lay the Publick Levy for this next Year which is One of the Principal Reasons of their meeting, so I hope in God that before the 2d of Decemb. We shall have directions from Yo. Lordp. what to do in this affair, and what Comands Yo. Lordp. shall please to Send either in this

this or any other Affair shall most punctually be
complyd with by me whom am

Yo. Lordps Most Obliged Obedt Faithfull
humble Servt.

Fr Nicholson

Rt Hontle Lords of Trade &c

Recd 8th Jan.y 1723/4
Read 29th Octob.r 1724

B. P R O. South Carolina B T. Vol 2 B 41.

1729 (11th November 1729)

The Publick	Dr	£. S. D.
Nov. 11th To Cash paid out to Several persons Since the 8th of October past		1612. — . —
To Ditto paid for Entertaining of Several Indians and Charge of Expresses		240. — . —
		£ 1852. — . —
Ballance in my hands of the Fourty Thousand pounds		2461 : 15 .
		£ 4313 : 15 . —

South Carolina.

Errors Excepted

Alex.r

The above Acc.t is a

from the

Recd 8th Jan.y 1723/4
Read 29th Octob.r 1724

Per Contra Cr £. s. d

octob.r 8.th By Ball.e this day remaining in my hands £03 12 15.—

Novemb.r 9.th 1723
Parris Spear.d
True Copy Examin'd
Original
A. Parris Treasu.d

B.P.R.O. A+W.I. Vol. 18. p. 57.

(28 Nov 1723.)

The Case of the Proprietors of South Carolina.

The Present Governours are.

Lord Carteret Palatine.

Duke of Beaufort	Mr Bertie
Lord Craven.	Sr Jno Colleton
Mr Ashley.	Mr Barron
Mr Blake.	

And they and their ancestors have been in quiet Possession of this Colony from the time of their Grant in the year 1660, to the year 1720, and during that time, have continually appointed Governours and all other Officers of the said Province, and have been Intituled to the Quit Rents of all the Lands there Granted by them to the Planters, till the year 1720.

That about that time, there being then very great Arrears of Quit Rent due to the Proprietors, some of the most Turbulent and Inferiour Inhabitants to avoid the Payment of those Rents took upon them to Cabell together and rise in Rebellion, and by force turn out their then Governour, who for the Peace and Quiet of the Province chose rather to withdraw himself than be the occasion of

of any Innocent Blood to be spilt there.

Upon this Occasion those who toote Possession of the Government sent a Representation to the King in Counceill, at a time when Lord Carteret the Palatine was in his Majesties Service in Sweden, but in his Absence the Rest of the Proprietors applyed to be heard, It being then Insinuated they had forfeited their Charter, and severall Idle, Frivolous, and Groundless Suggestions were, on behalf of the Rebells, insisted upon, tho' not any one of them at that time or since have been made appear to be true, nor was there the least Foundation for such Complaints.

Pending this Matter it was thought necessary that the King should appoint Mr Nicholson as a Provisional Governour in Order to have a true Inquiry made into the state of Affairs in that Province that such proper Directions might be given as should be just.

That the Governour upon his Arrivell there, instead of applying himself to know the true state of the Case between the Proprietors and the People, entered upon and Executed his Government in the most Arbitrary and Injurious manner, not only with respect to the Proprietors, but to all the Inhabitants and Traders to that Province;

First

First, By altering the method of the Assembly and turning the Principall Inhabitants out of the Councell, by comitting the cheif Officers and others of his Majestys Bus-toms + many of his good Subjects to Prison, and setting upon them unreasonable Fines, only for not joining with him in his unwarrantable Proceedings, by which some lost their Lives, by Preventing great Numbers of Letters to Merchants and Principall Inhabitants there, from being delivered, till he had first perused them and the like Practice upon Letters sent from them, and among other Letters directed by the Officers of the Admiralty and Customes there, to their Principalls here.

By creating a new Corporation and setting up a Paper Credit to the Value of £50,000 and compelling the Merchants and Traders to accept their Debts in that Specie, when they were more than 60 ℔ Cent Discount and by re-moving the old Courts of Justice and setting up new ones never before heard off, and by many other Acts of Violence and Oppression to his Majesties Subjects there, which have been Condemned there by the Lords, the Lords Comm.rs of Trade and Complained off by the Lords of the Admiralty and Comm.rs of the Customes.

Matters being under this Situation the Proprietors applyed to Lord Carteret, Secretary of State, to be redressed, not

not only with respect to their own Properties, but also for the Ease of the Inhabitants, which the Proprietors are ready to make easy in every Particular, many of them having Represented that they must leave the Country, if this Governour is not recalled and their Injury's redressed, by which means the Province will be Depopulated and consequently his Majesty's Customs entirely lost, which at present are reputed to be £ 50,000 ℔ Ann. But my Lord bar-teretts engagement in the more weighty affairs of his Office, prevented him while in England to think of Measures proper for this Occasion — And since he was at Hannover the Duke of Beaufort, Lord Craven, Mr Ashley, Mr Bertie and Sr John Colleton in the most respectfull manner writt to his Lordshipp to remind him of those Grievances but they have not yet had the Honour of any Answer, tho it is publickly talked of by the Persons Trading to that Province that the Governour declares his Earnest Desire to be called home, and it is publickly talked of by Severall Gentlemen that are applying to succeed him.

The Proprietors therefore, in absence of Lord Carteret, humbly lay this Case before the present Secretary of State residing in England for his Favour and Protection.

That he will use his Interest for the Relief of the Proprietors and the Inhabitants, which they humbly conceive

conceive cannot be more Effectually done than by recal-
-ling the Present Governour and giving the Proprietors
opportunity to clear themselves of the charges made
against them by allowing them the Liberty, which
they have Enjoyed for Sixty years past, of Nominating
a Governour to Succeed the present Governour, or in such
other manner as shall be agreeable to the Nature of
the case

All which is humbly submitted

B.P.R.O. A & W. I. Vol. 18 p. 58.

Charles Town So Carolina

Honble Sr

Decembr 4th 1723.

I have had the Good Fortune of receiving
Yor most kind and Obliging Letter of the 6th of Septbr
last for which I desire you will pleast to accept
of my most hearty thanks.

By this Opportunity I write to the Honble
Mr Yonge and if you please he will show it you.

What you were pleased to write concerning
the Merchants is very surprising to most People here
that they should have the Impudence to say such
things to their Excellencys the Lords Justices I find
they will lye most notoriously when they think any
thing will make for their Interest This puts me
in mind of what my Old Master Muli Ishmael
Emperor of Morocco told me vizt — "Tell the King
"Yor Master never to trust or believe a merchant for
"when we had Warr with him at One Gate they sold
"us Powder at another There was then with me
one Oneby a Barbary Merchr with another which
was ye reason I suppose that the Emperor added
vizt — "What do you think this Man comes but to buy
"or Truck with us for bad Powder and give Good for

it

"it" and further added "I believe the King your
"Master will thank him for it" Youl Secure this
Accot I had from him when he lay Encamped
in the middle of Mount Atlas going against his
Nephew Muli Hamett King of Sooth

I most heartily wish health & Prosperity
in all respects to you and Yor good Family and
remain

Your Affectionate Friend
& Faithfull humble Servant
Fr. Nicholson.

Honble Charles Stelafay Esqr

B. P. R. O. South Carolina B. T. Vol 2 Bundle 3

Charles Town S. Carolina Decemb.r 9.th 1723

May it Please Yo.r Lord.p

I did my Self the Hono.r of Writing to Yo.r Lord.p in October & Novemb.r last which I hope in God Yo.r Lord.p will Receive as likewise this

I have had the Hono.r to Receive their Ex.ys the Lords Justices Order for Repealing Two Acts of Assembly relating to Bills of Credit past in 721 and 722 with their Excellencys Letter thereupon and I herewith Transmitt to Yo.r Lord.p a Copy of what I did in Council thereupon with a Copy of y.e Proclamation for Repealing the said Two Laws. I likewise Send Yo.r Lord.p a Copy of what I Said to the Assembly with a Copy of Two of their Messages; the Comittee of both Houses are now Sitting upon those affairs and I hope they will finish the Same by to Morrow (for till that be Ended nothing of consequence can be done) and the Proceedings of y.e Comittee and Assembly I shall (God willing) Transmitt to Yo.r Lord.p by the first Safe Oportunity which I hope will be Soon We having Ser.al Ships and Vessells Loading for Great Brittain and I thank God the Weather hath been and is like to Continue Extraordinary Good So that the Rice Pitch & Tare

& Tarr is brought hither every Day for Shipping off

I likewise herewith Transmitt to Yo. Lord.ps Copys of Our Proceedings with y.e Cherokee and Creek Indians lately here. The Indian affairs & Trade with them Seems at Present to be under very Indiffrent Circumstances but as Soon as the Assembly have done w.th this Affair of the Printed Bills &c (which at Present Seems to be of the Last Consequence to those Two Inseperables his Ma.ties Interest and Service and that of this his Province) I shall lay this whole affair before y.e Assembly in Order to the better Regulation thereof by Some Additional Act And when that is done the Whole Proceedings thereof Shall be Sent to Yo. Lord.ps by him who is

Yo. Lord.ps Most Obd.t Obliged
and Faithfull Humble Sert
Jr\ Nicholson

R.t Hon.ble Lords of Trade &c

Recd 15.th Jan.ry
Read 29.th Octo.br } 1724
1724

B. P. R. O. South Carolina B.T. Vol 2 B 60

Charles Town South Carolina Decemb^r 16^th 1723

May it please Yo^r Lord^p

Having this opportunity by a Ship bound for London I send Yo^r Lord^p Duplicates and Copys of Several Papers &c with a List of them, and by the proceedings in the Gen^ll Assembly Yo^r Lord^p will See what very great Difficullys We meet with at present but I hope in God that Some Time next Week the Assembly will come to Some Settled Resolution about the Currency And According to my Duty I shall not be wanting to continue to Assist them therein So far as is agreeable to y^e Repeal of the said Laws and their Excell^y the Lords Justices Letter to me

I thank God We have had Extraordinary fine Weather (only Yesterday a little Snow which was gone in a few hours) So that our Comodilys Rice Pitch and Tarr are brought down every day from the Several parts of the Country and Ships here Load apace and I suppose Some of them will be ready to Sail the latter end of this Month and by Some of them I shall endeavour to do my self the Hon^r of giving Yo^r Lord^p an acc^t of Our Affairs

&c

The Assemblys Time is so taken up about the Currency &c that I have not yet Regularly layd before them the State of the Indian Trade but all the Gent of his Mat^ys Hon^ble Council and most of the Comons House of Assembly know it so that we often talk of that Affair among Our Selves and that Proper Method be taken in that affair nothing Shall be wanting that lyes in the Power of him who is with all Sincerity

Yo^r Lord^ps most Obliged Obedient and
Faithfull humble Serv^t
Fr. Nicholson

R^t Hon^ble Lords of Trade &c

Rec^d 27^th Jan^y
Read 29^th Octo^r 1720 } 1723/4

B P R O South Carolina B.T. Vol 2 B 51

Charles Town S. Carolina Decem.r 16.th 1723

A List of Letters papers &c sent to the Lord of Trade & Plantations

1. Copys of their Excell.cy the Lords Justices Order of repeal & the Govern.r Proclamation thereon
2. Copy of the Gov.r Speech to the Assembly with two Messages &c
3. Copy of the Comittees report on Currency & the Gov.r Message thereon
4. The Comons Message to the Gov.r Dec.r 14.th 1723 with the Govern.r Answer.
5. Copys of the Speeches had with Oulassatah & the Charikee Indians & other proceedings in relation to them Novemb.r 13.th
6. Copies of the Talks had with Oulatla & the Creek Indians Letters &c October & Nov.r 1723
7. Letter to the Lords of Trade Dec.r 16.th 1723
   With a Letter of this Date from
   S.r Nicholson

Rec.d 27.th Jan.y
Read 29.th Oct.br 1724
1724